2777.

SUPREME COURT OF THE UNITED STATES.

No. 266.

THE UNITED STATES, APPELLANTS,

vs.

JAS. D. GALBRAITH, JOHN SIME, DAVID T. BAGLEY, AND RICHARD H. STANTON.

APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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Transcript of the proceedings in case No. 205—*James D. Galbraith, claimant,* vs. *The United States, defendant—for the place named Bolsa de Tomales.*

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

Be it remembered, that on this twenty-ninth day of April, anno Domini one thousand eight hundred and fifty-two, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of James D. Galbraith, for the place named "Bolsa de Tomales," was presented, and ordered to be filed and docketed with No. 205, and is as follows, to wit:

(Vide page 4 of this Transcript.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

SAN FRANCISCO, *May* 19*th*, 1852.

In case No. 205, James D. Galbraith, the deposition of José Francisco Westgate, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 8 of this Transcript.)

SAN FRANCISCO, *Aug.* 3*d*, 1852.

In the same case, the secretary made and filed the translation of the expediente marked "C," which is in the words and figures as follows, to wit:

(Vide page 19 of this Transcript.)

LOS ANGELES, *Oct.* 12*th*, 1852.

In the same case, the deposition of Juan W. Padilla, a witness in behalf of the claimants, taken before Commissioner Hiland Hall, was filed.

(Vide page 11 of this Transcript.)

SAN FRANCISCO, *January* 3*d*, 1853.

In the same case, the deposition of Wm. Carey Jones, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, with document marked Exhibit "A," annexed thereto, was filed.

(Vide page 10 of this Transcript.)

SAN FRANCISCO, *October* 22*d*, 1853.

In the same case, the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, with document marked "T. C. D.," annexed thereto, was filed.

(Vide page 7 of this Transcript.)

SAN FRANCISCO, *December* 9*th*, 1853.

In the same case, the counsel for the claimant filed the following stipulation, to wit:

(Vide page 59 of this Transcript.)

SAN FRANCISCO, *December* 19*th*, 1853.

In the same case, the counsel for the claimant filed the following stipulation, to wit:

(Vide page 59 of this Transcript.)

SAN FRANCISCO, *March* 16*th*, 1854.

In the same case, the deposition of José Maria Covarrubias, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed.

(Vide page 12 of this Transcript.)

SAN FRANCISCO, *April* 4*th*, 1854.

Case No. 205 was submitted on briefs on both sides, and taken under advisement by the board.

SAN FRANCISCO, *April* 11*th*, 1854.

In the same case, Commissioner Thompson Campbell delivered the opinion of the board, confirming the claim.

(Vide page 60 of this Transcript.)

SAN FRANCISCO, *Aug.* 15, 1854.

In the same case, on motion of the United States law agent, the following order was made, to wit:

(Vide page 69 of this Transcript.)

Petition.

To the United States Land Commissioners to ascertain and settle the private land claims in the State of California:

Claim of James D. Galbraith, Richard Simms, John Sinton, David T. Bagley, to the rancho "Bolsa de Tomales."

The petitioners represent, that on the 14th day of May, A. D. 1846, Juan N. Padilla, a citizen of the republic of Mexico, residing in the department of California, petitioned the governor of said department in writing, according to law, for a grant of certain land in the jurisdiction of Sonoma, in said department, called

"Bolsa de Tomales," containing five square leagues, more or less, and bounded and described as follows—that is to say: bounded on the east by the property of D'n Bartolo Bojorgas, as far as the Two Stones; on the west by the bay of Bodega and the creek (or intre) of Tomales; on the north by the rancho D'n Juan Vioget, and on the south by the small arm of the said creek (or intre) of Tomales, which runs from west to east; that afterwards, on the 12th day of June, A. D. 1846, the said governor, according to law, granted to said Juan N. Padilla the land aforesaid, which said grant was, on the 12th day of June, A. D. 1846, in due form of law, confirmed by the departmental assembly of said department in session on the day and year last aforesaid. All which, and the other necessary investigations and steps made and taken in and about the premises, more particularly and at large appears by the record thereof in the office of the U. S. surveyor general for the State of California; a certified copy is herewith filed. That said grantee complied with and performed the terms and conditions of said grant, and with the law of Mexico of the 18th August, A. D. 1824, the regulations of the 21st day of November, A. D. 1828; that on the 24th day of , A. D. 1849, said Padilla *said Padilla* sold and conveyed said land to Molenenee Burreyega, who, on the 21st day of September, 1849, sold and conveyed the same to Juan M. Luco; that said Juan M. Luco, on the 3d day of December, A. D. 1850, mortgaged said land to Juan Manto to secure the payment of a debt of $5,000 $\frac{00}{100}$ then owing from said Luco to said Manto; that on the 12th day of January, 1851, said Luco conveyed all his interest in said land to one Ezekiel Barros, who afterwards conveyed the same to one José Leandro Luco; that said debt and mortgage were assigned and transferred to said Juan N. Padilla; that subsequently said land, under and by virtue of said mortgage, was sold and conveyed to one Maximilia Courel; that said mortgage not having been recorded before said conveyance from Juan M. Luco to Barros, doubts arose respecting the validity of said sale under the same; and the said Juan N. Padilla, assignee as aforesaid of said debt and mortgage, afterwards received a conveyance of said land, executed by said Juan M. Luco and José Leandro Luco, by way of mortgage to secure the debt aforesaid; that afterwards said debt and mortgage were assigned and transferred by said Padilla to one Domingo Dunyrada, who afterwards, on the 31st day of May, A. D. 1851, also received from said Maximilia Courel a conveyance of all his interest in said land ——— by virtue of the sale and conveyance aforesaid to him or otherwise.

Petitioners further represent, that Pio Pico, at the time said grant to said Padilla was made and issued, was in fact the governor of said department, acting as such under authority from the government of the republic of Mexico; that they, the said petitioners, have become the purchasers of said land, and have received a con-

veyance executed according to law by said Juan M. Luco and José Leandro Luco, by their attorney in fact, Domingo Danyrada, under and by virtue of a power contained in said mortgage last aforesaid, and by said Danyrada of all his interest in said land.

Wherefore petitioners pray that said land may be confirmed to them as granted as aforesaid.

SAUNDERS, HEPBURN & BAGLEY,
for Claimants.

Filed in office April 29th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of J. J. Warner.

OFFICE OF THE BOARD OF COMMISSIONERS, *&c., &c.*

JAMES D. GALBRAITH
vs.
THE UNITED STATES.

This day before Com'r Thompson Campbell came J. J. Warner, a witness in behalf of claimant No. 205, who, after being duly sworn, deposed as follows:

What is your name, age, and place of residence?

My name is J. J. Warner; I am forty-five years of age; and I reside at San Diego.

Are you acquainted with the handwriting of Pio Pico, former governor of California, and of José Matias Moreno? and if so, look on the paper now shown you, and marked D, and state whether said signatures, where they appear on said paper, are their genuine signatures; and if so, state your means of knowing.

I am acquainted with said signatures, and have seen them both write, and have no doubt that the signatures attached to this paper are their genuine signatures.

J. J. WARNER.

Associate law agent present.

Sworn to and subscribed before me this 22d day of October, A. D. 1853.

THOMPSON CAMPBELL, *Com'r.*

Filed in office October 22d, 1853.

GEO. FISHER, *Sec'y.*

Deposition of J. F. Westgate.

OFFICE OF THE BOARD OF LAND COMMISSIONERS,
San Francisco, May 19th, 1852.

No. 205 commissioner's docket.—The petition of James D. Galbraith and others, for confirmation of the rancho Bolsa de Tomales.

MAY *19th,* 1852.

On this day before me, James Wilson, one of the commissioners

for ascertaining and settling private land claims in California, came José Francisco Westgate, a witness produced on behalf of the petitioner, and being duly sworn, testified as follows:

The United States law agent was notified and duly attended.

José Francisco Westgate, a witness introduced by the petitioner, testifies and says, that he is well acquainted with Juan N. Padilla, and have known him ever since he came into this country, which was in the year 1834, as I think. He was a Mexican, and came to California in 1834 as above stated, and I have known him ever since. I knew at that time a tract of land called Bolsa de Tomales, and it has been called by that name ever since. To the best of my knowledge this Juan N. Padilla put some cattle on that land and built a house in the year 1845. He put three men on it. The one that had the charge of the cattle was a boy, by the name of Nicholas Frias; one of the others they called Cordero, who is now dead. Padilla and these people were there on that rancho in the year 1846. This rancho is situated on the bay of Bodega, adjoining the rancho of Bojorges; the house was situated about west-northwest from the Two Stones, or Two Rocks, so called, at a distance of two or three miles. I have not been there since the year 1847, and the house was then burned down. I know that the house built by Padilla, and the cattle on that rancho Bolsa de Tomales . I am an American by birth, and was born in the State of Massachusetts, and have resided in California 23 years. I have no interest whatever in the rancho aforesaid, and never had any, nor am I in any way interested in the aforesaid petition.

To interrogatories to the witness by Geo. W. Cooley, esq., law agent of the United States, he answers as follows:

I intend to state that Padilla did build a house and put some cattle on the rancho in the year 1845; he did not reside there himself, but had people there; he built also a small corral on the place at that time; he went to the place frequently, as often as twice a week sometimes; he went to see to his business; the people that he put there continued to occupy the house through 1845 and 1846, until burned; I do not know that Padilla ever surrendered the occupation; I heard that the house was burnt in August or Sept., 1846; the land of this rancho is within 10 leagues of the sea-coast; Padilla adhered to the Mexican cause during the revolution, and had the command of some men: he, with his party, killed some Americans at Sonoma in 1846; he fled from this part of the country immediately afterwards to avoid the Americans, who were enraged at him; the house, as I remember it, was from 15 to 20 feet long and about 12 ft. wide; it was built by setting posts in the ground, and enclosing it with rough boards; Padilla has been back, as I have understood—in fact I have seen him since: three years ago I saw him in Sonoma.

Questions by Petitioner.

I know that cattle have been on the rancho since 1846 and 1847; they belonged to two brothers by the name of Luco; I last saw cattle on that rancho in the year 1850, that belonged to the Lucos; I was there hunting cattle, and I saw one of the Lucos, and we sorted out his cattle from some that I was looking for.

Further the deponent saith not.

JOSE FRANCISCO WESTGATE.

May 19th, 1852.

Subscribed and sworn to before me.

JAMES WILSON, *Commissioner.*

Filed in office May 19th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of W. C. Jones.

SAN FRANCISCO, *Jan'y 3d*, 1853.

On this day before Com'r Harry J. Thornton came Wm. Carey Jones, a witness in behalf of the claimants, James D. Galbraith et al., petition No. 205, and was duly sworn, his evidence being given in English.

Questions by Claimant.

Question first. What is your name, age, and place of residence?

Ans. My name is William Carey Jones; I am 21 years of age; and I reside in San Francisco, California.

Question second. Are you acquainted with the handwriting of Pio Pico, former governor of California; if yea, examine document now shown you, marked A, and filed herewith, and say whether or not the name of said Pio Pico subscribed there is in his handwriting?

Ans. I am acquainted with the handwriting of Pio Pico; have seen him write, and the signature shown me is genuine.

WM. CAREY JONES.

U. S. agent present.

Sworn to and subscribed before me this 3d of Jan'y, 1853.

HARRY J. THORNTON,
Com'r, &c.

Filed in office Jan'y 3d, 1853.

GEO. FISHER, *Sec'y.*

Deposition of J. N. Padilla.

OFFICE OF THE U. S. LAND COMMISSION,
Los Angeles, Oct. 12th, 1852.

On this day before Hiland Hall, one of the commissioners for ascertaining and settling private land claims in California, came Juan N. Padilla, a witness produced in behalf of the claimants, James D. Galbraith et al., whose petition is No. 205 on the docket

of the board, and was duly sworn, his evidence being given in Spanish, and translated by the secretary.

The U. S. law agent was duly notified, and attended.

In answer to questions by counsel for the claimants, witness testified as follows:

My name is Juan N. Padilla; my age is thirty years; and I reside in Los Angeles; I was the owner of the rancho Bolsa de Tomales by virtue of a concession from Governor Pio Pico in 1846; the previous steps for obtaining the grant had been taken in 1845, in the time of Governor Micheltorena, but in consequence of the revolutionary movements the title was not issued until Pio Pico became governor; I had possession of the land in 1844; built on it that year, which was occupied by my people; I cultivated the land, and had cattle on it from that time until I sold out to Jesus Molina and Feliz Berreyeza in the latter part of the year 1848, or the beginning of the year 1849; the land is situated to the west of Sonoma, and in the year 1845 or 1846, after the grant from Pio Pico, I applied to Marcos Vaca, the proper magistrate at Sonoma, to give me judicial possession of the land, and he summoned the adjoining neighbors to appear, and go on to the land for that purpose; but they did not appear, and the magistrate decreed that, in consequence of their non-appearance, by which he was prevented from giving judicial possession, I should be entitled to all the land described in the grant which had been made to me; my adjoining neighbors were Juan Vioget and Bartolo Bojorgez; part of the land was bounded by the sea, and there was vacant land between mine and land of Stephen Smith.

In answer to questions by the law agent, the witness says that juridicial possession was never given him of the land, nor were the boundaries run by any survey of a public officer; there were natural boundaries, which were well known.

JUAN N. PADILLA.

Subscribed and sworn before me.

HILAND HALL, *Com'r.*

Filed in office Oct. 12th, 1852.

GEO. FISHER, *Sec'y.*

Deposition of Jose M. Covarrubias.

Case No. 205.

UNITED STATES LAND COMMISSION,
San Francisco, March 16th, 1854.

On this day before Commissioner R. Aug. Thompson came José Maria Covarrubias, a witness in behalf of the claimant, James D. Galbraith, case No. 205, who, after being duly sworn, deposed as follows, his evidence being interpreted by the secretary.

Present, claimant, att'y, and U. S. law agent.

Witness states his name is José Maria Covarrubias; his age forty-five; and his residence Santa Barbara, Cal'a.

Ques. by claimant's counsel. Look at the document now shown you, marked Exhibit "A," and annexed to the deposition of Wm. Carey Jones filed in this case, and state if you are acquainted with the handwriting of José Mateos Moreno; and if so, whether his signatures which appear on said document are genuine or not, and also your means of knowledge?

Ans. I am acquainted with the handwriting of said Moreno; I have seen him write; I have examined said document, and have no doubt that his signatures which appear thereon are genuine.

J. M. COVARRUBIAS.

Sworn to and subscribed before me, March 16th, 1854.

R. AUG. THOMPSON, *Com'r.*

Filed in office March 16th, 1854.

GEO. FISHER, *Sec'y.*

1 S. D. K.

1846.

Bolsa de Tomales concedido de à Juan Nepomaceno Padilla.

No. 571.

2 S. D. K.

Ex'mo S'or Gobernador:

Juan Nepomaceno Padilla Mejicano por nacimiento y vecino del partido de Sonoma, ante V. E. con el debido respeto comparece y dice que tendrà presente V. E. la solicitud que tengo hecha y que ha corrido sus tramites respectivos para que se me conceda el terreno nombrado Bolsa de Tomales que consta de cinco sitios de ganado mayor poco mas ó menos seg'n el diseño que adjuntè en el mismo espediente cuyo terreno colinda por la parte del este con Dn. Bartolo Bohorquez hasta las dos Piedras; por el oeste con la Bahia de Bodega y el Estero de Tomales por el norte con Dn. Juan *Wogel* y por el sur con un braso pequeno del Estero de Tomales que corre de O. à E. y estando plenamente justificado ser valdio dicho terreno como lo demuestra el documento qe. accompaño del S'or Prefecto del segundo distrito que respetuosamente adjunto.

[3 S. D. K.] Portanto a V. E. suplica q'en merito de justicia y en virtud de tener yo poblado del d'ho terreno con bienes competentes espero qe. V. E. se servira mandar estender el titulo de propriedad en lo que recibirè gracia.

Juro lo necesario, &c. Sirviendose admiter la presente en papel comun por falta del sellado correspond'te.

Monterey, Mayo 14, de 1846.

JUAN N. PADILLA.

ANGELES, *Mayo* 20, *de* 1846.

E. S'or Prefecto del 2o Distrito:

Informara sobre el estado de este terreno cuanto al caso sea conserniente y asi verificado vuelva al gobierno para resolver.

PICO.

4 S. D. K.

ANGELES, *Junio* 12, *de* 1846.

Vista la solicitud con que da principio este esped'te y de los informes que obran à continuacion con todo lo demas que se tubo presente ver y meditar convino con arreglo à la ley de 18 de Agosto, de 1824, y reglamento de 21 de Noviembre de 1828, he venido en uso de las facultades que me halla autorizado por las presentes letras en declarar el Señor Juan N. Padillo, Mejicano por nacimiento, dueño en propriedad del parage Bolsa de Tomales, en la jurisdiccion de Sonoma, compuesto de cinco sitios de ganado mayor colindante al E. con el sitio de Dn. Bartolo Bohorgues, hasta Las dos Piedras; al O. con la Bahia de Bodega y Estero de Tomales; por el norte con el rancho de Dn. Juan *Wingete;* y pr. el sur con un braso pequeño del Estero de Tomales que corre al O. E.

Librese lo el interesado el titulo respectivo que acredite su propiedad y reservese el espediente para someterlo à la aprovacion la E. A. departamental Pio Pico, gobernador constitucional del departamento de Californias, asi lo mando decretò y firmò. Doy feè.

JOSÉ MATIAS MORENO, *Scrio.*

PIO PICO.

5. S. D. K.

Manuel Castro, Prefecto del Seg'd Distrito de Departamento de las Californias.

Certifico que el ciud'o Juan Nepomeceno Padilla ha solicitado en propriedad el terreno conocido con el nombre de Bolsa de Tomales, en la jurisdicion de Sonoma, y q. el esped'to practicado q. existe en la prefect'a de mi cargo acredita hallarse dicho parage valdio y en estado de poderse conceder segun los informes de los jueces respectivos y a pedimiento del mencionado S'or Padilla doy este en Monterey à dies de Mayo, de mil ochocientos cuarenta y seis.

MANUEL CASTRO.

6 S. D. K.

Pio Pico, Gobernador Constitucional del de Departamento de Californias.

Por cuanto el ciudadano Juan N. Padilla ha solicitado, para su beneficio personal y el de su familia, el terreno conocido con el nombre de Bolsa de Tomales, en la jurisdiccion de Sonoma, practicadas previamente las averiguaciones y diligencias concernientes usando de las facultades con que me hallo autorizado por el supremo gobierno à nombre de la nacion Mejicano, he venido por decreto de

este dia en conceder al espresado Padilla el citado terreno de conformidad con la ley de 18 de Agosto, de 1824, y reglamento de 21 de Noviembre, de 1828, à reserva de la aprovacion de la ex'ma asamblea departamental y bajo las condiciones siguientes.

7 S. D. K.

1a. Podra cercarlo sin perjudicar las travesias caminos y servidumbres, lo disfrutarà libre y esclusivam'to destinandolo al uso ò cultivo que mas le convenga.

2a. Solicitarà del juez respectivo le dè la posecion juridica en virtud de este despacho por el cual se le demarcarán los linderos con las respectivos mojoneras.

3a. El terreno de que se le hace donacion es de cinco, sitios de ganado mayor, y linda al este con el sitio de Dn. Bartolo Bohorguez hasta Las dos Piedras, por el oeste con la Bahia de Bodega y Estero de Tomales; por el norte con el rancho de Dn. Juan Vioget, y por el sur con un brazo pequeño del Estero de Tomales que corre de O. a E. El juez que le diere la posecion lo hara medir con arreglos a ordenanza.

En consecuencia mando que teniendose el presente titulo por firme y valdero se tome razon de el en el libro a q. corresponde, y se entregue al interesado para su resguardo y demas fines.

Dado en papel comun, por falta de sellado, en la ciudad de Los Angeles, à 12 de Junio de 1846.

J. M. MORENO, *Scr'o into.*

Pio Pico.

D. L. A. V. A.

Sor. Don P. Ynirn. Interemus muy del biendose. Debiendose D. D. gobierno gobierno. Dios Dios y Libertad. José Ma.

JOS. JOSÉ JOSÉ.

I, Samuel D. King, surveyor general of the United States for the State of California, and as such, now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper, numbered from one to seven, inclusive, and each of which is verified by my initials, (S. D. K.,) exhibit true and accurate copies of certain documents on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and affixed my private seal, (not having a seal of office) [L. S.] at the city of San Francisco, Cal'a, this 20th day of April, 1852.

SAM'L D. KING, *Surveyor Gen'l Cal.*

Filed in office April 29th, 1852.

GEO. FISHER, *Sec'y.*

Translation C.—*Espediente.*

1846.

Judicial Papers concerning a tract of land known as Bolsa de Tomales, granted to John Nepomecene Padilla.

No. 571.

[SEAL.] To his Excellency the Governor:

John Neponmcene Padilla, a Mexican by birth, and a resident of the district of Sonoma, appears before your excellency with due respect, and says, that your excellency will bring your mind to recollection about the petition that I have before made, and which has gone through all the proper proceedings so as to entitle me to the grant of that which I have given the name of Bolsa de Tomales, comprising about five square leagues, (sitios de ganado mayor) as laid down in the sketch that I annexed or joined with the espediente.

Said land is contiguous to that of Don Bartolo Bojorgues, on the eastern boundary to a point called Las dos Piedras, bounded westerly by the bay of Bodega, and the creed de Tomales; northerly bounding with Don Juan Vioget's land, and southerly with a rivulet from the creek "de Tomales," that runs from west to east, which land having been duly proven to be vacant, as the annexed document certified by his honor the prefect of the second district, that I respectfully submit to your excellency, will show; therefore, I beg that your excellency will take into consideration the justice of my having occupied said land with the property required. I hope your excellency will decree that the proper title in fee be issued to me, by which I shall receive a favor. I swear to what may be necessary, &c.

Your excellency will please admit this petition on common paper, there being none of the corresponding stamp.

Monterey, May 14th, 1846.

(Signed) JUAN N. PADILLA.

ANGELES, *May 20th*, 1846.

His honor the prefect of the 2d district will report about the state of this tract of land, with all the particulars concerning the same; and when the return is made, the governor will resolve.

(Signed) PICO.

ANGELES, *June 12th*, 1846.

After perusing the petition that heads this espediente, and the reports that follow next, and taking into consideration other matters that were investigated and meditated, which are conformable with the act of 18th of August, 1824, and municipal regulations of 21st of November, 1828, I have decided, and declare by virtue of the powers I am invested with, and by the present letters, Mr. Juan N. Padilla, a Mexican by birth, owner in fee of the tract of land Bolsa

de Tomales, situated in Sonoma, comprising five square leagues, (sitios de ganado mayor) bounded on the east by the tract of land owned by Don Bartolo Bojorgues, to a point called Las dos Piedras; on the west with the bay of Bodega, and "Inlet de Tomales;" on the north with the rancho of Don Juan Vioget; and on the south with a small branch or rivulet that empties from the creek de Tomales that runs to the west.

I do hereby decree to furnish the claimant with the proper title, through which he may show his ownership, and let the espediente be reserved for the purpose of being submitted to the most excellent the departmental assembly for its approbation. Pio Pico, constitutional governor of the department of California, thus ordered, decreed and subscribed, to which I certify.

(Signed) PIO PICO.

(Signed) JOSÉ MATIAS MORENO,
Secretary ad interim.

Manuel Castro, Prefect of the Second District of the Department of Californias.

I do hereby certify that the citizen Juan Nepomocene Padilla has made application for the ownership of the land known as the Bolsa de Tomales, situated in the jurisdiction of Sonoma, and that the espediente concerning the same, which is to be found in the archives of the prefect's office (prefectura) under my charge, proves that the said land is vacant, and grantable in accordance with the reports of the respective judges. At the request of said Señor Padilla, I give this certificate at Monterey, the 10th day of May, of one thousand eight hundred and forty-six.

(Signed) MANUEL CASTRO.

Pio Pico, Constitutional Governor of the Department of Californias.

Inasmuch as citizen Juan N. Padilla has made application, for his benefit and that of his family, for the tract of land known as Bolsa de Tomales, in the jurisdiction of Sonoma, and after having previously undergone the due judicial inquiry and proceedings by virtue of the powers I am vested with through the supreme government, in the name of the Mexican nation, I have this day decided and decreed upon the grant of said land to said Padilla in conformity with the law of 18th of August, 1824, and the regulations of November 21st, 1828, subject to the approval of the most excellent the departmental assembly, and under the ensuing conditions:

1st. He may enclose the land without injury to the crossing, roads and servitudes, and will enjoy it freely and exclusively, and apply the same to whatever agricultural or other purposes he may find most convenient.

2d. He will make application to the competent judge to give him

judicial possession by virtue of the present concession, by whom the limits will be marked out with the proper landmarks.

3d. The land granted to him contains five square leagues (sitios de ganado mayor,) bounding on the east with the tract of land owned by Don Bartolo Bojorques, to a point called Las dos Piedras, (the Two Rocks;) on the west by the bay of Bodega, and creek de Tomales; on the north with the rancho of Don Juan Vioget; and on the south with a rivulet of the creek de Tomales that runs from west to east.

The judge who gives him possession thereof will cause the same to be measured according to ordinance; consequently I declare that the present title, being held as firm and valid, be entered in the corresponding book, and be delivered to the party interested for his security and other purposes.

Written on common paper, there being none stamped, at the city of Los Angeles, the 12th of June, 1846.

(Signed) PIO PICO.

(Signed) J. M. MORENO,
Secretary ad interim.

OFFICE OF THE U. S. LAND COMMISSION.

I certify that the foregoing is a correct translation of an authenticated copy from the U. S. surveyor general's office, now on file here, numbered 205.

GEO. FISHER, *Sec'y.*

Filed in office August 3d, 1852.

GEO. FISHER, *Secretary.*

Pio Pico, Gobernador Constitucional del Departamento de Californias.

Por cuanto el ciudadano Juan Nepomeceno Padilla, ha solicitado para su beneficio personal y el de su familia el terreno conocido con el nombre de Bolsa de Tomales en la jurisdiccion de Sonoma; practicadas previamente las averiguaciones y diligencias consernientes usando de las facultades con que me hallo autorizado por el supremo gobierno á nombre de la nacion Mejicana he venido por decreto de este dia en concederle el espresado terreno de conformidad con la ley de 18 de Agosto, de 1824, y reglamento de 21 de Noviembre, de 1828, à reserva de la aprobacion de la ex'ma asamblea departamental y bajo las condiciones siguientes:

1a. Podrà cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutara libre y esclusivamente destinandolo al uso ó cultivo que mas le convenga.

2a. Solicitarà del juez respectivo le de la posecion juridica en virtud de este despacho por el cual se demarcaràn los linderos con las respectivos mojoneras.

3a. El terreno de que se le hace donacion es de cinco sitios de

ganado mayor y linda el este con el sitios de Don Bartolo Bohorgues hasta Las dos Piedras, por el oeste con la Bahia de Bodega y estero de Tomales por el norte con el rancho de Don Juan Vioget y p. el sur con un brazo pequeño del estero de Tomales que corre de O. a E.

El juez que le diere la posecion lo harà medir con arreglo à ondenanza.

En consecuencia mando que teniendose el presente titulo por firme y valdero se tome razon de el en el libro a que corresponde, y se entregue al interesado para su resguardo y demas fines.

Dado en papel comun por falta de sellado en la ciudad de Los Angeles à dose de Febrero de mil ochocientos cuarenta y seis.

PIO PICO.

JOSÉ MATIAS MORENO,
S'rio into.

Queda tomada razon de este superior decreto en el libro respectivo.

MORENO.

Filed in office Jan'y 3d, 1853.

GEO. FISHER, *Sec'y.*

Translation R.

Translation.

Pio Pico, Constitutional Governor of the Department of Californias.

[SEAL.]

[Gov't of the Dep't of Californias.]

Inasmuch as the citizen Juan Nepomoceno Padilla has solicited, for his personal benefit and that of his family, a grant of the land known by the name of Bolsa de Tomales, in the jurisdiction of Sonoma, the necessary investigations and other steps having been previously made, I *ordain, ordered,* by virtue of the authority vested in me by the supreme government, and in the name of the Mexican nation, and I have, by a decree of this date, granted to him the said land, in conformity with the law of 18th August, 1824, and enactment of November, 1828, subject to the approbation of the most excellent departmental assembly, and under the following conditions:

1st. He may fence it in so as not to interfere with the crossings, roads, and servitudes. He shall enjoy it freely and exclusively, applying it to the use and cultivation that to him may seem best.

2d. He shall apply to the proper judge to give him juridical possession, by virtue of this despatch, and by the said judge the boundaries shall be marked out with their respective landmarks.

3d. The land now granted to him is five square leagues, (five sitios de ganado mayor,) and is bounded on the east by the property of Don Bartolo Bojorquez as far as the Two Stones; on the west by the bay of Bodega and the creek (or inlet) of Tomales; on

the north by the rancho of D'n Juan Vioget; and on the south by a small arm of the said creek (or inlet) of Tomales, which runs from west to east.

Therefore I ordain that, the present title being held firm and valid, note be taken thereof in the book to which it corresponds, and that it be delivered to the party interested, for his safeguard and other ends.

Given on plain paper, in the absence of stamped, in the city of Los Angeles, 12th February, 1846.

(Signed) PIO PICO.

(Signed) JOSÉ MATIAS MORENO,
Sec. ad int.

A note has has been taken of this despatch of the superior government in the appropriate book.

(Signed) MORENO.

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

Pio Pico, Gobernador Constitucional del Departamento de las Californias.

La Ex'ma Asamblea Departamental, en sesion del dia 12 de este mes de Junio, tuvo à bien decretar lo siguiente:

Se aprueba la consecion hecha à favor del ciudadano Juan N. Padilla del parage conocido con el nombre de Bolsa de Tomales, en la jurisdiccion de Sonoma, que le fue consedido por el superior gobierno segun titulo librado à su favor, con anterioridad de conformidad à la ley de 18 de Agosto, de 1824, y articulo 5o del reglamento de 21 de Noviembre, de 1828.

Y para resguardo de la parte del ciudadano Juan N. Padilla lo hago saber.

Dado en la ciudad de Los Angeles, en este papel, comun por falta de sellado à catorce de Junio de mil ochocientos cuarenta y seis.

PIO PICO.

JOSÉ MATIAS MORENO, *S'rio into.*

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

Translation E.

Pio Pico, Constitutional Governor of the Department of the Californias.

[L. S.]

The most excellent departmental assembly, in session of the 12th day of this month of June, saw fit to decree the following:

The following grant is approved, viz: the grant made in favor of the citizen Juan N. Padilla, of the place known by the name of

Bolsa de Tomales, in the jurisdiction of Sonoma, which was granted to him by the superior government, according to title already drawn and in his favor, in conformity with the law of the 18th August, 1824, and article 5th of the enactment 21st November, 1828. And, for the safeguard of citizen Juan N. Padilla, I do make it known.

Given in the city of Los Angeles, on this plain paper, in the absence of stamped, 14th June, 1846.

(Signed) PIO PICO.
(Signed) JOSÉ MATIAS MORENO,
Secretary ad interim.

Filed in office March 28th, 1853.

GEO. FISHER, *Secretary.*

En pueblo de Sonoma, a las 24 dias del mes de Junio, del año 1849, ante mi el juez 1o de d'ho punto se presento Don Juan Padilla, vecino de este pueblo y dijo: que por si y a nombre de sus hijos herederos, sucesores y de quien de ellos hubiese titulos, voy y causa en cualquiera manera puede y da en venta publica, enagenacion perpetua por *juno* heredad pa. siempre à los S'ores Don Jesus Molina y Don Felix Berreyesa, vecino de d'ho su rancho la Bolsa de Tomales, en cantidad de cinco sitios de ganado mayor y los bienes de campo ganado bacano y caballar con ecepcion de las bestias mansas de su propiedad que le pertenecen en posecion y propiedad y colindante al poniente con la mar de la Bahia y del puerto de Bodega, al este con el sitio de Don Bartolo B jarque, tit'a Las dos Piedras, por el norte con el ranch de Don Juan Vioget, y por el sur con el estero de Tomales, segun consta por los titulos de pertenencia que adjunto esta escritura por los cuales corresponde en posecion y propiedad al de el cual declara y asegura no tener lo vendido ni empresado y que esta libre de tributo memoria capellania vinculo patronato franha y otreos gravamenes, espresa y como tal de los vende con todos sus entradas y salidas, fabricas, usos, costumbres regalios y servidumbres y demas cosas que ha tenido tiene y le pertenecen segun derecho por ocho mil quinientos, pesos que tiene recibidos enumerata pequeña segun el mismo consega y renuncia lay ley noisima del titulo, 1o partida 5o y asi mismo declara que el justo precio y verdadero valor del rejuido, rancho y bienes de campo ganado, bacino y caballar son ocho mil quinientos pesos y en caso que mas valga de valor pueda en poco o mucho suma hace a favor de los compradores y de sus herederos y su cesores y gracia y donacion prómavera pacifica è irrevocable en saudad y demas firmesas legales y renuncia la ley 2o titulo 1o h. 10 V. R. que trata de los contratos de venta y otros en hay leccion en mas ò menos de la mitad del justo precio y los cuatros años que precinos pa. pedir la *la* precision ò suplemento valor los que dá por pasados como le efectevam'to lo estuviezan y des de hoy en adelante para siempre le des apodera quita y aparta y sus

herederes del dominio ó propiedad posecion titulo voy recurso y otro cualquera derecho que le al mencionado terreno de Bolsa de Tomales, lo ce de renuncia traspasa con las aciones reales personales utiles mixtos seguro y efectivo sin que nadie lo inquete y movera pleito sobre la propiedad ni contra la parasena gravamen alguno y en prueba de la observacion de todo lo referido obliga su persona y bienes habido y por haber y confiere amplio poder a los jueces y tribunales de la nacion que de este negocio deven conoce conforme à derecho para que le aprenien, su complimiento como por sentencia de juez compete pasada en autoridad de casa yusgada y contidad y como ral lo recibe y sin mas recurso y para que le presente tenga la fuerza y susta los efectos correspondientes lo firme ante el juez de este lugar y los testigos de as'a.

JUAN N. PADILLA,
Sen. D. BERRELLEZA.

Testigo: ALBERTO G. BOGGS.

TERRITORY OF CALIFORNIA,
District of Sonoma.

Personally appeared before me, the undersigned, alcalde of said district, Juan Padilla, who is known to me to be the person whose name is subscribed to the foregoing deed as having executed the same, and acknowledged the same to be his act and deed, for the purposes therein mentioned.

Given under my hand, at office in Sonoma, this 20th day of June, 1849. L. W. BOGGS.

STATE OF CALIFORNIA,
District of Sonoma.

I hereby certify the foregoing to be a true copy from pages 232 to 284 of book C of Sonoma county records in this office.

Witness my hand and official seal, at Sonoma, the 4th day of March, A. D. 1853.

T. NEUDY,
Recorder of Sonoma County.
By T. A. BREWSTER,
Deputy.

Filed in office Nov. 28th, 1853.

GEO. FISHER, *Sec'y.*

G.

Know all men by these presents, that *that* we, Jesus Molena and Feliz Berreyesa, of the town of Sonoma, district of Sonoma, and Territory of California, for and in consideration of the sum of eleven thousand five hundred dollars to me in hand paid, the receipt whereof is hereby acknowledged, have granted, sold, bargained and conveyed, and by these presents do bargain, grant,

sell, and convey unto Juan M. Luco, his heirs and assigns forever, all our right, title and interest, in and to all that piece or lot of land, lying and being in the dist. of Sonoma, as known as the rancho Bolsa de Tomales—El terreno de que se hace donacion es de sinco sitios de ganado mayor y linda al E. con el sitio de Dn. Bartolo Bojorques hasta las dos piedras por el o con la Bahia de Bodega y Estero de Tomales por el N. con el Rancho de Dn. Juan Vioget y por el S. con un brazo pequeño del Estero de Tomales que corre del *E.* a *E.*—together with all the cattle that may be found on said rancho having the following mark *K*, and likewise all the mares and horses bearing the aforesaid mark, with all the privileges and appurtenances thereunto belonging; to have and to hold all and singular the above described premises unto the said Juan M. Luco, his heirs and assigns forever.

In witness whereof, we have hereunto set our hands and seals, this twenty-first day of September, A. D. eighteen hundred and forty nine.

FELIS his ⋈ mark. BERRELLESA.

JESUS his ⋈ mark. MOLENA.

Signed, sealed, and delivered in the presence of—
ROMUELA PAEBEN,
WM. M. FULLER,

DISTRICT OF SONOMA,
Territory California.

Personally appeared before me, Wm. M. Fuller, alcalde for the district of Sonoma, the within named Jesus Molena and Feliz Berreyeza, and acknowledged that they executed the within instrument as their free act and deed for the purposes therein mentioned.

Given under my hand and official seal, this 21st of November, A. D. 1849.

WM. M. FULLER, *Alcalde.* [SEAL.]

STATE OF CALIFORNIA,
County of Sonoma.

I hereby certify the foregoing to be a true copy from page 46 of book D of the records of Sonoma county, in this office.

Witness my hand and official seal, at Sonoma, this 4th day of [SEAL.] March, A. D. 1853.

JOHN HENDLEY,
Recorder of Sonoma County.
By JOHN A. BREWSTER, *Deputy.*

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

H.—*Mortgage.*

This indenture, made and entered into this third day of December, in the year of our Lord one thousand eight hundred and fifty, by and between Juan M. Luco, of the city of Sacramento, and State of California, of the one part, and Juan Manzo, of the same place, of the second part, witnesseth: That the said party of the first part, in consideration of the debt or sum hereinafter mentioned, and intended to be secured, and of the further sum of one dollar, the receipt of which is hereby acknowledged, has granted, bargained and sold, and by these presents doth grant, bargain, and sell unto the said party of the second part, his heirs and assigns forever, the following described property, lying and being situated in the district of Sonoma, and known as the rancho de Tomal—El terreno de que se hace mencion ó donacion es de cinco sitios de ganado mayor y linda al E. con el sitio de Bartolo Bojorques hasta las dos piedras por el O. con la Bahia de Bodega y Estero de Tomales por el N. con el brazo pequeño del Estero de Tomales que corre de O. a E.—together with all the cattle that may be found on said rancho having the following mark *K*, and likewise all the horses and mares bearing the aforesaid mark, with all the privileges and appurtenances thereunto belonging; to have and to hold all and singular the above described premises unto the said party of the second part, his heirs and assigns forever: Provided, always, and these presents are upon this express condition, that if the said party of the first part, his heirs or assigns, shall well and truly pay or cause to be paid to the party of the second part, his heirs or assigns, a certain note bearing date with these presents, and payable on the thirty-first day of December, A. D. 1850, for the sum of five thousand dollars, then this obligation to be void, otherwise to remain in full force and virtue; and if said sum of money be not paid at the time of maturity, then the said Juan M. Luco doth appoint Juan Manzo his attorney, and as such doth authorize him to sell said premises, or property, at public auction, first giving ten days' notice in one of the daily newspapers of Sacramento city, to the highest bidder therefor, and in his name to execute a good and sufficient deed to the purchaser thereof, applying the proceeds to the payment of the debt due at the time, and costs and expenses of sale, the surplus, if any, to be paid to the said Juan M. Luco, on demand.

In witness whereof, the said Juan M. Luco has hereunto set his hand and affixed his seal the day and year aforesaid.

JUAN M. LUCO. [SEAL.]

Signed, sealed, and delivered in presence of—

JUAN N. PADILLA,

HENRY A. CLARK.

STATE OF CALIFORNIA,
Marin county, ss.

On this 1st day of April, A. D. 1851, before the subscriber, a justice of the peace of San Rafael township, in said county, personally appeared John N. Padilla, and made oath that he was present, and saw the above instrument of writing executed for the purposes therein mentioned; that he saw the said Juan M. Luco sign and seal said instrument, and that he himself, with Henry A. Clark, signed the same as witnesses.

Sworn before

A. BARNEY,
Justice of the Peace.

A. D. 1851. Entered this 1st day of April, in leger A.
JNO. A. DAVIS,
Recorder of Marin Co.

Received payment, $3 00.
JNO. A. DAVIS.

Assignment.

Know all men by these presents, that I, Juan Manzo, in consideration of the sum of two thousand dollars, to me paid by Juan N. Padilla, the receipt whereof is hereby acknowledged, do hereby grant, assign, release, and convey unto the said Juan N. Padilla the premises within conveyed to me in mortgage, and all my right, title, interest, and estate in and unto the same, to have and to hold the same unto the said Padilla, his heirs and assigns forever; and the said Juan Manzo, for himself, my heirs, executors, and administrators, do covenant with the said Padilla, his heirs, &c., that the premises are free from all incumbrance, the right of redemption excepted; and I will, for myself, my heirs, &c., warrant and defend the same to the said Padilla, his heirs and assigns, against the lawful claims of all persons claiming under me; and that I will, and my heirs, &c., shall execute and acknowledge any further assurances for the better conveying and assuring of the premises to the said Padilla, his heirs and assigns, which he or they shall reasonably require.

In witness whereof, the said Juan Manzo, by his attorney, David Danglada, has hereunto set his hand and seal this fourth day of March, A. D. 1851.

JUAN MANZO.
By DOMO. DANGLADA,
His Attorney.

Witnesses:
J. CASAFFROUTH,
CAMERON E. THORN.

STATE OF CALIFORNIA, *Sacramento County.*

On this 4th day of April, A. D. 1851, personally appeared Juan Manzo, by Dom'o Danglada, his attorney, who is known to me to be the person who executed the foregoing deed, by the oath of J. Casaffrouth, a competent and credible witness, by me duly sworn for that purpose; and the said Domingo Danglada acknowledged that he executed the same free and voluntarily, and for the uses and purposes therein expressed.

In testimony whereof I, Presley Dunlap, cl'k of the district court for Sacramento county, hereto set my hand and affix the seal of said court at office in Sacramento city, April 4th, 1851.

P. DUNLAP, *Cl'k*,
By W. A. RANSOM, *D. C.*

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

Deed I.

This indenture, made and entered into this twelfth day of January, in the year of our Lord one thousand eight hundred and fifty-one, by and between Juan M. Luco, of the first part, and Ezekiel Barros, of the second part, all of Sacramento city and State of California, witnesseth: That the said party of the first part, for and in consideration of the sum of nine thousand dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, and conveyed, and by these presents doth grant, bargain, sell, and convey, unto the said party of the second part, his heirs and assigns forever, all the following described piece, parcel, or lot of land lying and being situated in the county of Sonoma, State of California, to wit: (este con el sitio de Dn. Bartolo Bojorquez hasta las dos piedras por el oeste con la Bahia de Bodega y estero de Tomales, por el norte con el rancho de Dn. Juan Viojet y por el sur con un brazo pequeño del estero de Tomales que corre de oesta à este;) which translated into the English language is as follows, to wit: the land above mentioned is five leagues square, and bounded on the east by the land of Don Bartolo Bojorques up to the Two Stones; on the west by the bay of Bodega and inlet of *of* Tomales; and on the north by the farm of Don Juan Viojet; and on the south by a small arm of the inlet of Tomales, which runs from west to east: to have and to hold the above described lot or parcel of land, together with all the rights, privileges, and appurtenances thereunto belonging, unto the said party of the second part, his heirs and assigns forever. And the said party of the first part, his heirs, and executors and administrators, doth hereby covenant to forever warrant and defend this title against the claim or claims of all other persons whomsoever.

In testimony whereof, the said party of the first part has hereunto

set his hand and affixed his seal at Sacramento city on the day first before written.

JUAN M. LUCO. [SEAL.]

Signed, sealed, and delivered in presence of the subscribing witnesses—

AUGUTUS M. HESLEP,
HENRY A. CLARK.

STATE OF CALIFORNIA,
County of Sacramento, ss.

On this eighteenth day of January, A. D. eighteen hundred and fifty-one, personally appeared before me, a notary public in and for said county, Juan M. Luco, known to me to be the person described in , and who executed the foregoing instrument, and acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

Witness my hand and notarial seal this the day and year aforesaid.

[SEAL.]

BENJ. F. WASHINGTON,
Notary Public.

STATE OF CALIFORNIA,
County of Sonoma.

I hereby certify the foregoing to be a true copy from pages 79 and 80 of book "F" of Sonoma county records in this office.

Witness my hand and official seal this March 4th, 1853.

JOHN HENDLEY,
Recorder of Sonoma county.
By JOHN A. BREWSTER, *Deputy.*

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

Power of Attorney, J.

Know all men by these presents, that I, Juan N. Padilla, of the city of San Francisco and State of California, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Domingo Danglada, of said city and State, my true and lawful attorney, for me and in my name, place, and stead, to ask, demand, sue for, levy, recover, receive, and take possession of all such sum or sums of money, debts, goods, wares, dues, documents, and other demands and property which are or shall be due, owing, payable, or belonging to me, or detained from me in any manner of ways or means whatsoever, to or from any person or persons in the State of California whomsoever; and to do all other matters and things in and about my business and property in California as fully as I myself might or could do if personally present, giving and granting unto my said attorney full power and authority

to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as freely, to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation; hereby ratifying and confirming all that my said attorney, or his substitute, shall lawfully do or cause to be done by virtue hereof.

In witness whereof, I have hereunto set my hand and seal the first day of January, in the year one thousand eight hundred and fifty-one.

JUAN N. PADILLA. [SEAL.]

Sealed and delivered in the presence of
J. J. WHITE,
JOSÉ M. MUNEZ.

STATE OF CALIFORNIA,
City and County of San Francisco, ss.

On this first day of January, A. D. 1851, before me, L. W. Sloat, notary public, duly appointed and commissioned under the great seal of the State of California, dwelling in the city of San Francisco, county aforesaid, came Juan N. Padilla, to me known to be the individual described in and who executed the within letter and power of attorney, and acknowledged that he executed the same for the purposes therein mentioned.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal, in the city of San Francisco aforesaid, the day and year above written. [SEAL.]

L. W. SLOAT,
Notary Public.

Filed in office March 28th, 1853.

GEO. FISHER, *Secretary.*

Deed K.

This indenture, made and entered into this tenth day of March, in the year of our Lord one thousand eight hundred and fifty-one, by and between Ezekiel Barros of the first part, and José Luco of the second part, all of Sacramento city, State of California: that the said party of the first part, for and in consideration of the sum of twenty-one thousand dollars, the receipt whereof is hereby acknowledged, hath bargained and sold, and by these presents doth bargain and sell unto the said party of the second part, his heirs and assigns forever, all the following described piece or parcel of land, lying and being situated in the county of Sonoma, State of California, to wit: the land above mentioned is known by the name of Bolsa de Tomales, and is five leagues square, and bounded on the east by the land of Don Bartolo Bojorques, up to the Two Stones; on the west by the bay of Bodega and inlet of Tomales; on the north by the farm of Don Juan Vioget, and on the south

by a small arm of the inlet of Tomales, which runs from west to east; to have and to hold the above described lot or parcel of land, together with all the rights, privileges, and appurtenances thereunto belonging, unto the said party of the second part, his heirs and assigns forever. And the said party of the first part, his heirs, executors and administrators, doth hereby covenant and agree to forever warrant and defend this title against the claim or claims of all other persons whomsoever.

In testimony whereof, the said party of the *second* part hath hereunto set his hand and affixed his seal, at Sacramento city, on the day first above written. EZEKIEL BARROS. [SEAL.]

Signed, sealed, and delivered in presence of subscribing witnesses.
HENRY A. CLARK,
J. SUROS.

STATE OF CALIFORNIA,
Sacramento County, ss.

On this tenth day of March, in the year eighteen hundred and fifty-one, personally appeared before the undersigned, a justice of the peace for said county, Ezekiel Barros, satisfactorily proven to be the person described in and who executed the foregoing conveyance, by the oath of Henry A. Clark, a competent witness by me duly sworn for that purpose, who acknowledged that he executed the same freely and voluntarily for the uses and purposes therein expressed.

Given under my hand, at Sacramento city, in said county, the day and year above written. CHAS. H. SWIFT,
Justice of the Peace.

I hereby certify that the above is a true copy of a deed now on record in my office. JAS. L. POINDEXTER,
Recorder, Marin county.

Filed in office March 28th, 1853.
GEO. FISHER, *Sec'y.*

Deed L.

This indenture, made and entered into this 6th day of May, 1851, between Juan N. Padilla, of the county , and State of California, of the first part, and Maximilia Courel, of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of one thousand dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, *that* this day, under the provision of a certain deed of mortgage made by one Juan M. Luco, of the city of Sacramento, and State of California, to one Juan Manzo, of the same place, dated the 3d day of December, 1850, to secure the payment of a certain note of corresponding date with the mortgage, for the sum of five

thousand dollars, bargained and sold, and by these presents bargain and sell unto the said party of the second part, all the right, title, and interest of the said Juan M. Luco in and to a certain tract or parcel of land, situate, lying, and being in the county of Marin, State of California, known as the Rancho de Tomales, containing five settlements of large size, and bounded as follows, to wit: on the east by the settlement of Bartolo Bojorquez as far as the Two Stones; on the west by the Puerto de Bodega and the lake of Tomales; on the north by rancho of Juan Vingent; and on the south by a small branch of the lake of Tomales, which runs from west to east; together with all the cattle that may be found on said rancho, having the following mark X, and likewise all the mares and horses having the aforesaid mark, with all the privileges and appurtenances thereunto belonging: to have and to hold the above described premises unto him, the said party of the second part, forever.

In testimony whereof, the party of the first part has hereunto set his hand and seal, the day and year first above written.

JUAN N. PADILLA. [SEAL.]
By A. BREEGIA, *as Attorney in fact.*

Signed, sealed, and delivered in presence—

STATE OF CALIFORNIA,
County of Sacramento.

On this ninth day of May, A. D. 1851, personally came before me, a notary public, in and for county aforesaid, Adolph Brugier, personally known to me to be the person whose name is attached to the above written instrument, and he, the said Adolph Brugier, acknowledged that he executed the same freely and voluntarily, and for the uses and purposes therein set forth and mentioned.

[SEAL.] Given under my hand and seal this day and year first above written.

CAMERON E. THORN.

Entered on leger A, page 10, this 24th day of May, A. D. 1851.
JNO. A. DAVIS,
Recorder of Marin county.

Filed in office March 28th, 1853.
GEO. FISHER, *Sec'y.*

Deed M.

This indenture, made and entered into this thirty-first day of May, in the year one thousand eight hundred and fifty-one, between Maximilia Courel, of the State of California, of the first part, and Domingo Danglada, of the same place, of the second part, witnesseth:

That the said party of the first part, for and in consideration of the sum of one thousand dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, hath bargained, sold, remised, released, and quit-claimed, and by these presents doth bargain, sell, remise, release, and quit-claim unto the said party of the second part, all the right, title, and interest of the said Maximilia Courrel in and to a certain tract or parcel of land, situate, lying, and being in the county of Marin, in the State aforesaid, known as the Rancho de Tomales, containing four settlements of large size, and bounded as follows, to wit: on the east by the settlement of Bortolo Bojorques as far as the Two Stones; on the west by the Puerto of Bodega and the lake of Tomales; on the north by the rancho of Juan *Vinguet;* and on the south by a small branch of the lake which runs from west to east; together with all the cattle which may be found on said rancho bearing the mark X, and likewise all the mares and horses having the aforesaid mark, with all the privileges and appurtenances thereunto belonging: to have and to hold the above described premises unto him, the said Domingo Danglada, his heirs and assigns forever.

In testimony whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

MAXIMILIA COURREL.

Signed, sealed, and delivered in presence of—
HORACE HAWES,
L. W. SLOAT.

STATE OF CALIFORNIA,
County of San Francisco, ss.

On this first day of May, A. D. 1851, before me came Maximilia Courrel, to me known to be the individual described and who executed the within instrument, and acknowledged that he executed the same, for the purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal in the city of San Francisco, the day and year first above written.

[SEAL.]

L. W. SLOAT, *Notary Public.*

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

Deed N.

This indenture, made and concluded this first day of June, one thousand eight hundred and fifty-one, between José Leandro Luco and Juan Manuel Luco, by Augustus M. Heslep, his attorney in fact, all of the county of Sacramento, in the State of California,

parties of the first part, and Juan N. Padilla, by Domingo Danglada, his attorney in fact, of the second part, witnesseth: That whereas the said Juan M. Luco did, on the first day of December, 1850, make and deliver to one Juan Manso his certain promissory note for the sum of $5,000, payable on the 31st day of the same month; and whereas the said Juan M. Luco, for the purpose of securing the punctual payment of the said note, did, on the 3d day of December, 1850, execute and deliver to the said Manso a certain indenture of mortgage upon the hereinafter described property; and whereas the promissory note and mortgage so given by the said Juan M. Luco to the said Manso having been duly endorsed and assigned to Juan N. Padilla, the party of the second part to this instrument, and have not been paid or satisfied by said Juan Luco; and whereas proceedings have been taken by the said party of the second part to foreclose to said mortgage by advertisement; and whereas questions have arisen as to the validity of the said mortgage and foreclosure; and whereas Leandro Luco, above named, claims to be the owner or have some interest in the premises in the said mortgage, and hereinafter described; and whereas the said party of the second part hath consented and agreed, at the special instance and request of the parties of the first part, to extend the payment of the said note and mortgage made as aforesaid to said Manso by the said Juan Manuel Luco, and to stay all further proceedings upon the foreclosure aforesaid for the space of six months, upon receiving as collateral security therefor the joint note of the said parties of the first part for the said sum of five thousand dollars, with interest at two per cent. per month, payable in six months from the date hereof, secured by a mortgage of the said premises executed by both of the parties of the first part, without, however, intending hereby to waive or surrender any legal rights which he may have by virtue of the aforesaid mortgage made as aforesaid by the said Juan M. Luco, or the aforesaid foreclosure thereof: Now, therefore, the said parties of the first part, in consideration of the premises and of one dollar to them in hand paid by the party of the second part, the receipt whereof is by them hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain and sell unto the said party of the second part, Juan N. Padilla, his heirs and assigns forever, the following described property, lying and being in the county of Marin and Sonoma, in the State of California, and known as the Rancho Bolsas de Tomales—

known as the Rancho de Tomales, containing five settlements of large size, and bounded as follows, to wit: on the east by the settlement of Bartolo Bojorques as far as the Two Stones, on the west by the bay de Bodega and the lake of Tomales, on the north by the

rancho of Juan Vinget, and on the south by a small branch of the lake of Tomales, which runs from west to east, together with all the cattle that may be found on said rancho bearing the following mark *K*, and likewise all the mares and horses bearing the aforesaid mark, and with all the privileges and appurtenances thereunto belonging; to have and to hold all and singular the above described premises unto the said party of the second part, his heirs and assigns forever: Provided always, and these presents are upon the express condition, that if the said parties of the first part, their heirs and assigns, shall well and truly pay, or cause to be paid, to the said Juan N. Padilla, party of the second part, his heirs or assigns, a certain promissory note, of even date herewith, for the sum of five thousand dollars, payable to the said Juan N. Padilla or order at six months after the date hereof, and bearing interest at the rate of two per cent. per month, the interest whereof is payable in two instalments at three and six months from the date of said note, which said promissory note is executed, as herein before mentioned, as collateral security for the payment of a certain other promissory note made for the same sum and due on the 31st day of December, 1850, by Juan M. Luco to Juan Manzo or order, and coming by endorsement to, and now held by, Juan N. Padilla, the said party of the second part: Now, then, if the said note of even date herewith as aforesaid shall well and truly be paid when the same becomes due, and all legal interest thereon, then this obligation, and all proceedings heretofore taken for the foreclosure of the aforesaid mortgage made by said Juan M. Luco before mentioned, to stand void and of no effect.

It is further understood and agreed, if the parties of the first part make default in the payment of the note aforesaid, when the same becomes due and payable, the said José L. Luco and Juan Manuel Luco, parties of the first part, do hereby constitute and empower, and by these presents appoint and empower, Domingo Danglada their true and lawful attorney, to sell the said Rancho Bolsas de Tomales at public vendue, in the town of Sonoma, in the same county, to the party of the second part, or any other person or persons, after giving ten days' notice thereof in the San Francisco Herald, the Sacramento Transcript, as well as one paper published at the city of Vallejo, the seat of government, if any such paper shall then be published, of the time and place of sale; and further, the said Domingo Danglada is authorized and empowered to sign, seal, and execute deeds of conveyance, with covenants of warrantee, and to do all and every necessary act or acts in the premises as well as if the parties of the first part were personally present; and after the payment of the note aforesaid, with the necessary costs and charges, including the attorney's fees, not exceeding ten per cent., to pay over the surplus of such sale, if any there be, to the said parties of , or their order or demand.

In witness whereof, we have hereunto set our hands and affixed our seals, the day and year aforesaid.

LEANDRO LUCO. [SEAL.]
JUAN M. LUCO. [SEAL.]
By AUG. M. HESLEP,
His Att'y in fact.
JUAN N. PADILLA. [SEAL.]
DOM'O DANGLADA,
Att'y in fact.

Sealed and delivered in presence of—the words "then this obligation" interlined before execution—
JONATHAN EDWARDS.

STATE OF CALIFORNIA,
County of San Francisco.

On this 7th day of June, A. D. 1851, before me, a notary public in and for the said county, personally appeared Leandro Luco, to me known to be one of the persons described in and who executed the foregoing instrument, and acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein mentioned. Also personally appeared before me Aug. M. Heslep, to me known, and acknowledged that he signed the name of Juan M. Luco to the said instrument as his attorney in fact, and as and for the voluntary act and deed of his said principal. Also personally appeared before me Domingo Danglada, to me known, and acknowledged that he signed the name of Juan N. Padilla to the said instrument as his attorney in fact, and as and for the voluntary act and deed of his said principal.

Witness my hand and official seal.

JULIUS R. ROSE,
Notary Public.

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

Power of Attorney, O.

Know all men by these presents, that I, Juan M. Luco, of the county of Sacramento, State of California, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Augustus M. Heslep, of said place, my true and lawful attorney, for me and in my name, place, and stead, to execute any conveyances and other deeds, or any instruments of writing, in connection with the Rancho Bolza de Tomales; to execute notes, receipts, or acquittances in reference to said ranch; also, make covenants of warrantee, and to sign and seal my name to all and any instrument of writing in reference to the aforesaid rancho, giving and granting unto my said attorney full power and authority

to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as freely, to all intents and purposes, as I might or could do if personally present, with full powers of substitution and revocation, hereby ratifying and confirming all that my said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

In witness-whereof, I have hereunto set my hand and seal, this fifth day of June, in the year one thousand eight hundred and fifty-one.

JUAN M. LUCO. [SEAL.]

Sealed and delivered in the presence of—
HENRY A. CLARK,
J. B. CUNNINGHAM.

STATE OF CALIFORNIA,
County Sac., ss.

Be it known, that on this fifth day of June, one thousand eight hundred and fifty-one, before me *personally appeared* Geo. T. Fake, not. public, duly commissioned sworn, dwelling in Sacramento city, California, personally came Juan M. Luco, and acknowledged the above letter of attorney to be his act and deed.

In testimony whereof, I have hereunto subscribed my name and affixed my seal of office, the day and year last above written.

[SEAL.] GEO. S. FAKE,
Notary Public, Sac. city, Cal.

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

Deed P.

Know all men by these presents, that I, Juan Padilla, of Los Angeles, California, in consideration of four thousand dollars to me paid by Domingo Danglada, of San Francisco, California, the receipt whereof is hereby acknowledged, have granted, bargained, sold, assigned, and set over, and by these presents do grant, bargain, sell, and set over, unto the said Domingo Danglada, his executors, administrators, and assigns, a certain indenture of mortgage, executed by José Leandro Luco and Juan Manuel Luco, bearing date the first day of June, one thousand eight hundred and fifty-one, unto me, the said Juan Padilla, on certain lands in the counties of Sonoma and Marin, in the said State of California, together with the promissory notes therein referred to, and the debt thereby secured, and which said mortgage is recorded in the office of the recorder of the said county of Sonoma in book No. one of mortgages, page , and also in the office of the recorder of Marin county; to have and to hold the said mortgage and notes, and the debt thereby secured, and all the interest conveyed by the said mortgage in and to the lands therein

described, to the said Domingo Danglada, his heirs, executors, administrators, and assigns, to his and their sole use, benefit, *use* and behoof forever. And I do hereby covenant to and with the said Domingo Danglada that there is still remaining actually due and unpaid upon the said notes and mortgage the sum of five thousand three hundred dollars, and that I have good right to assign the same; and I hereby constitute and appoint the said Domingo Danglada my true and lawful attorney, irrevocable in my or otherwise, but to his own use to take, collect, and receive the moneys aforesaid, and to enforce the payment of the same by all lawful ways and means whatsoever; but the said debt is to be collected at the expense of the said Domingo Danglada, and not mine.

In witness whereof, I have hereunto set my hand and seal this twenty-eighth day of October, one thousand eight hundred and fifty-one.

JUAN N. PADILLA. [SEAL.]

Sealed and delivered in the presence of—the words "besides interest" being erased—
JULIUS K. ROSE.

STATE OF CALIFORNIA,
County of San Francisco, ss.

On this 28th day of October, A. D. 1851, before me, a notary public in and for said county, personally appeared Juan Padilla, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same freely and voluntarily, and to the uses and for the purposes therein mentioned.

Witness my hand and official seal.
[SEAL.]
JULIUS K. ROSE,
Notary Public.

Recorded in the office of the county recorder of San Francisco, Lib. 3, morg., page 270, Oct. 20, 1851, at 3 o'c. and 40 mint's p. m.
JOHN A. McGLYNN,
Co. Recorder.

Pr. M. E. F.

Filed in office March 28th, 1853.
GEO. FISHER, *Sec'y.*

Deed Q.

This indenture, made this first day of March, one thousand eight hundred and fifty-two, between Juan Manuel Luco and José Leandro Luco, of Sacramento, by Domingo Danglada, their attorney in fact, of the first part, James Dill Galbraith, John Sime, David T. Bagley, and Richard H. Sinton, of San Francisco, of the second part, and Domingo Danglada, of the third part: whereas the said

parties of the first part heretofore executed and delivered to one Juan Padilla a certain mortgage upon the premises hereinafter described, to secure the payment of the sum of five thousand dollars, with interest thereon at the rate of two per cent. per month at the expiration of six months after the date thereof, wherein and whereby it was covenanted and agreed that, if default should be made in the payment of the said principal sum, and the interest when the same becomes due and payable, the said parties of the first part constituted, appointed, and empowered the aforesaid Domingo Danglada their true and lawful attorney to sell the said premises at vendue, in the town of Sonoma, to the said Juan Padilla, or any other person or persons, after giving ten days' notice of the time and place of sale in the San Francisco Herald, the Sacramento Transcript, as well as one paper published at the city of Vallejo, the seat of government, should any such paper then be published, and to sign, seal, and execute deeds of conveyances, and do every other necessary act in the premises, as by reference to the said mortgage or the records thereof in the counties of Sonoma and Marin will more fully and at large appear; and whereas default having been made in the payment of the said moneys so secured according to the terms and conditions of the said mortgage, the said Domingo Danglada did, pursuant to the said power of sale therein contained, on the twenty-fourth day of March, one thousand eight hundred and fifty-two, having first given ten days' notice of the time and place of such sale in the San Francisco Herald and the Sacramento Transcript, there being no paper published at Vallejo, proceed to sell the said premises at public auction, in front of the court-house, in the town of Sonoma; at which sale the said premises were struck off to the said parties of the second part for the sum of seven thousand one hundred dollars, that being the highest price bid therefor:

Now, therefore, this indenture witnesseth, that the said parties of the first part, in order to carry into effect the sale so made as aforesaid, and for and in consideration of the sum of seven thousand one hundred dollars, to them paid at or before ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell, and convey unto the said parties of the second part, their heirs and assigns, all that certain tract, piece, or parcel of land situate, lying, and being in the counties of Sonoma and Marin, and commonly called and known as the rancho Bolsas de Tomales, containing five Mexican leagues, more or less, and bounded and described as follows: on the east by the settlement of Bartolo Bojorques as far as the Two *Shores;* on the west by the bay of Bodega and the lake of Tomales; on the north by the rancho of Juan Vioget; and on the south by a small branch of the lake of Tomales, which runs from west to east, being the premises originally granted to the said Juan Padilla by Pio Pico, governor of Califor-

nia, by grant bearing date the twelfth day of February, A. D. one thousand eight hundred and forty-six, and also all the cattle and horses or stock running upon the said premises, bearing the following mark *K*, together with all and singular the tenements, hereditaments, and appurtenances to the said tract, piece, or parcel of land belonging, or in any wise appertaining; to have and to hold the herein before granted and described premises, with the appurtenances, unto the said parties of the second part, their heirs and assigns, and to their sole use, benefit, and behoof forever. And the said party of the third part, in consideration of one dollar to him paid by the said parties of the second part, and for other good and valuable considerations, their receipt whereof is hereby acknowledged, hereby covenants and agrees to warrant and defend the said premises unto the said parties of the second part, their heirs and assigns, against Ezekiel Barros, his heirs and assigns, and all other persons claiming under him, them, or any of them.

In witness whereof, the said parties to these presents have hereunto set their hands and seals the day and year first above written; the said Juan M. Luco and José Leandro Luco, by Domingo Danglada, their attorney in fact, thereunto lawfully anthorized and empowered.

DOM'O DANGLADA. [SEAL.]
JUAN M. LUCO,
By DOM'O DANGLADA,
His Attorney.
JOSE LEANDRO LUCO,
By DOM'O DANGLADA,
His Attorney.

Sealed and delivered in the presence of—
S. M. MEZES,
JULIUS K. ROSE.

STATE OF CALIFORNIA,
County of San Francisco, ss.

On this first day of April, one thousand eight hundred and fifty-two, before me, Delos Lake, judge of the fourth judicial district of California, personally appeared Domingo Danglada, and acknowledged that he executed the foregoing deed freely and voluntarily for the uses and purposes therein mentioned; and the said Domingo Danglada also acknowledged that he signed the names of Juan M. Luco and José Leandro Luco to the said deed, as their attorney in fact, and as and for their free and voluntary act and deed, for the uses and purposes therein mentioned, the said Domingo Danglada being known to me to be the person described in, and who executed the foregoing instrument of writing.

Witness my hand and seal, (private,) at Francisco, the day and year above.

DELOS LAKE, [L. S.]
District Judge 4th District.

Received April 10th, 1852, and recorded in ledger A of Deeds, pages 102 and 103.

JAS. L. POINDEXTER,
Recorder Marin County.

Filed in office March 28th, 1853.

GEO. FISHER, *Sec'y.*

JAMES D. GALBRAITH et al.
vs.
THE UNITED STATES.
} No. 205.—For the place called Bolsa de Tomales.

It is hereby agreed between the associate law agent and the counsel for the claimants, that the powers of attorney, assignments, mortgages, and mesne conveyances heretofore filed in this cause, purporting to pass the title in the said land from the original grantee down to the present claimants, shall be received in evidence upon the certificates thereon, to have the same effect as though they were fully and more formally proved.

ROBERT GREENHOW,
Ass't Law Agent.

Filed in office Dec. 9th, 1853.

GEO. FISHER, *Sec'y.*

JAMES D. GALBRAITH et al.
vs.
THE UNITED STATES.
} No. 205.—Bolsa de Tomales.

It is hereby stipulated that the traced copies filed in this case, and certified by Mr. King, the late United States surveyor general for California, under his private seal, may be read as evidence just as though they were fully recopied and certified under the seal now provided for the surveyor general's office.

ROBERT GREENHOW,
Ass't Law Agent.

Filed in office Dec. 19th, 1853.

GEO. FISHER, *Sec'y.*

Opinion of the Board by Com'r Campbell.

JAMES D. GALBRAITH, JOHN SIME, DAVID T. BAGLEY, RICHARD H. STANTON,
vs.
THE UNITED STATES.
} Bolsa de Tomales—Five square leagues.

As evidence of the claim to confirmation made by the petitioners in this case, they have placed on file the following documentary proofs:

1st. A grant issued by Governor Pio Pico to one Juan Padilla, bearing date the 2d of February, A. D. 1846.

2d. A deed of conveyance for the premises in question, from the said Juan Padilla to Jesus Molena and Felix Berreyesa, bearing date the 24th of June, A. D. 1849.

3d. A deed of conveyance from the said Molena and Berreyesa to Juan M. Luco, bearing date the 21st September, A. D. 1849.

4th. A mortgage deed, executed by the said Juan M. Luco to one Juan Manzo, bearing date the 3d of December, A. D. 1850.

5th. A deed of conveyance from the said Juan M. Luco to Ezekiel Barros, bearing date the 12th of January, A. D. 1851.

6th. A deed of conveyance from the said Ezekiel Barros to José Leandro Luco, bearing date the 10th of March, A. D. 1851.

7th. A mortgage deed, executed by the said José Leandro Luco and the said Juan M. Luco to Juan N. Padilla, bearing date the first day of June, A. D. 1851.

8th. A transfer of said mortgage deed by the said Juan N. Padilla to Domingo Danglada, bearing date the 28th of October, A. D. 1851.

9th. A deed of conveyance from the said Juan N. Padilla to one Maximilia Courel, bearing date the 6th of May, A. D. 1851.

10th. A deed of conveyance from the said Maximilia Courrel to the said Domingo Danglada, bearing date 21st of May, A. D. 1851.

11th. A deed of conveyance from the said Domingo Danglada and Juan M. Luco, and José Leandro Luco, by their attorney, Domingo Danglada, to James D. Galbraith, John Sime, David T. Bagley and Richard H. Stanton, the present claimants in this case.

12th. A certain power of attorney from Juan N. Padilla to Domingo Danglada, bearing date the 1st day of January, A. D. 1851.

13th. A power of attorney from Juan M. Luco to Augustus M. Heslep, bearing date the 5th day of June, A. D. 1851.

The original grant to Juan Padilla is proved, and also admitted by the officer representing the United States, to be genuine. In regard to the legality of the execution of all the other foregoing documents, through which the petitioners deduce title from the original grantee, I find on file a stipulation signed by the late Robert Greenhow, at that time associate law agent; which stipulation is *is* in the following words: "It is hereby agreed, between the associate law agent and the counsel for the claimants, that the powers of attorney, assignments, mortgages, and mesne conveyances heretofore filed in this cause, purporting to pass the land from the original grantee down to the present claimants, shall be received in evidence upon the certificates thereon, to have the same effect as though they were fully and more formally proved."

The above stipulation dispenses with any examination or exception to the execution of the foregoing instruments, that otherwise might be made.

Juan M. Luco, on the 1st day of June, 1851, to Juan N. Padilla: As has been before shown, Juan M. Luco, at the date of this mortgage, had no interest, either equitable or legal, in the premises, but the title was solely in José Leandro Luco, his brother. It is recited in this mortgage, that the mortgage executed on the 3d December, 1850, by Juan M. Luco to Juan Manzo, together with a note of $5,000, had been duly assigned to Juan N. Padilla; that the same had not been paid, and that proceedings had been taken by said Padilla to foreclose said mortgage; that the said Padilla had agreed to extend the time of payment on said promissory note, and to stay all further proceedings on the foreclosure for six months, taking as collateral security the joint note of Juan M. and José Leandro Luco, and also a mortgage executed by them on the same premises, but without waiving the legal rights of Padilla on the first mortgage. Said mortgage contains a proviso to sell, and appoints for that purpose Domingo Danglada. On the 28th of October, A. D. 1851, said mortgage, together with the promissory note, was transferred by Padilla to the said Domingo Danglada, and on the 21st of May, 1851, *and* Maximilia Courrel, the purchaser under the first mortgage, transferred all his interest in and to the land to the said Danglada, making him the holder of whatever title was derived from the sale made by Padilla, by virtue of the power contained in the first mortgage, as well as the owner of the second mortgage. The second mortgage, it will be remembered, contained a power authorizing the premises therein described to be sold, on default of the payment of the said promissory note; and, at the same time, appointed Domingo Danglada the agent of the mortgagors for that purpose. It was by virtue of this power that premises were sold and conveyed to the petitioners in this case. This deed contains full recitals of the whole proceedings, in which it is averred that all the conditions of mortgage contract were complied with, and the deed itself is allowed to be given in evidence without objection on the part of the officer representing the Government. I am, therefore, of opinion that this deed conveyed to the petitioners all the interest of the mortgagors to the premises in question; and, further, that, as Domingo Danglada is also a party to the deed, and signs the same in his own right, as well as attorney for the said Juan M. and José Leandro Luco, it conveys all the interest which resulted from the sale made under and by virtue of the first mortgage to the petitioners in this case. It therefore follows, that if the sale under the first mortgage was binding and valid, the petitioners are the owners of whatever title was derived from that source. But if, on the contrary, Padilla was not the owner of that mortgage, and the foreclosure of the same was not legal and valid, then the equity redemption being in the assignee of José Leandro Luco, the same was transferred to the petitioners by the sale under the second mortgage, and the petitioners took the premises subject

to the first mortgage. In either event, they are the proper persons to demand of the United States a relinquishment of all interest which they may have in the premises in question.

It is objected by the law agent, that the proof does not show such a compliance with the conditions of the law as brings this case within the rule laid down by the commission in other cases where confirmations have been made. It is true that the proof does show that the original grantee never did inhabit the land per se, and if the evidence . In addition to the foregoing documentary proofs, the said petitioners have placed on file what purports to be a record of the approval by the departmental assembly of the original grant, which document bears date the 14th day of June, A. D. 1846, and the genuineness of which will be hereafter considered. They have also placed on file a properly certified traced copy of the expediente, taken from the archives now in custody of the United States surveyor general for California.

The foregoing instruments embrace all the documentary proof offered by the petitioners in this case. It is proved by the deposition of Juan N. Padilla, the original grantee, that he obtained concession of the place called Bolsa de Tomales from Governor Pio Pico in the year 1846; that steps had been taken in 1845, during Micheltorena's time, for obtaining said grant, but, on account of revolutionary difficulties, the title was not issued until Pico became governor. He further states, that as early as the year 1844 he had possession of the same land; that he built a house on it in that year, which was occupied by his people; that he cultivated it, and had cattle on it from that time until he sold to Juan Molena and Felix Berreyesa, in the latter part of the year 1848 or the beginning of the year 1849. He also states that he made, either in the year 1845 or 1846, application to the proper officer for the judicial possession of the premises, which, on account of the failure of the adjoining neighbors to appear, was not given. Part of the land was bounded by the sea.

It is proved by the deposition of Francisco Westgate that he knew the place called Bolsa de Tomales as early as the year 1834, and, to the best of his knowledge, Juan N. Padilla built a house and put some cattle on the land in the year 1845; that he, Padilla, had three men on the place, and that the same persons were on the land in 1846. This witness locates the house, and states that he had not been at the place since the year 1847, at which time the house was burned down.

In reply to questions put by law agent, he states substantially as follows: "That Padilla had cattle on the rancho, and finished the house in 1845; that Padilla did not reside on the place himself, but had people there; that he had a small corral, and that he went to the place as often as twice a week sometimes; that Padilla went to the place to see about his business; that the people he put

there continued to occupy the house through 1845 and 1846, and until it was burned down in August or September, 1846." The deposition contains other statements not deemed material to recapitulate.

The law agent, in the brief which he has filed in this case, amongst other objections raised to the confirmation of this claim, insists that the signature of Pio Pico, attached to the document purporting to be a record of the approval made by the departmental assembly of the grant in question, is not his genuine signature. J. J. Warner, the witness upon whose deposition the claimants rely to establish the genuineness of Pico's signature to this document, after having examined it, states that it is the genuine signature of Pio Pico. This testimony of Mr. Warner stands uncontradicted, except in the manner indicated by the law agent in his brief, which he insists is shown to be a forgery by a comparison of other signatures of Pio Pico's, admitted to be went no further. The claim of the petitioners for confirmation would be denied, but it is proved by the deposition of Juan N. Padilla, the original grantee, that from the year 1844 up to the time he sold it, in the year 1848 or 1849, he cultivated the land; cultivation has always been held by the present commissioners as dispensing with the proof of actual inhabitancy. The testimony of this witness should be received, I admit, with caution, as he is the original grantee, and by his deed entered into strong covenants of warrantee. The statute of this State makes him a competent witness, and his interest in the result of the suit goes merely to his credibility. His testimony, in several important particulars, is fully corroborated by another witness, although not as to the particular point of cultivation.

Taking all the testimony into consideration, we think it establishes a substantial compliance with the conditions and objects of the law.

It is also objected by the law agent that the land is insufficiently described to effect its segregation from the public domain. The condition of the grant defines the boundaries of the land granted with more than ordinary precision, and also fixes the quantity at five square leagues. There is no sobrante reserved, and it is evident that the grant was intended to be one of metes and bounds, and for that reason unusual precision the description of the boundaries as observed. We are of opinion that, from the boundaries as given in the 3d condition already referred to, the land may be located and designated with the usual certainty in such cases.

One other objection raised by the law agent remains to be considered. It is apparent, from the history of the case as contained in the traced copy of the expediente, that there is a strange discrepancy between the date of the grant and all the papers which usually precede the issuing of that document. The counsel for the

claimant, in the brief which they have filed, admit the discrepancy, but are unable to explain it, in any very satisfactory way at least. But I think that if they had given the original grant even a cursory inspection, the discrepancy referred to would have been very apparent. In the line next to the last in the original grant, the word Junio has been very bunglingly altered, so as to read Febrero, making the date of the grant on the 12th of February, 1846, instead of the 12th of June, 1846, as it was first written. The 12th of June corresponds with the copy in the espediente, and removes , in regard to the other documents in the espediente, which would of course precede the grant in point of time. The motive which the party had in making this alteration is not very apparent; but one thing is certain, that it was neither laudable nor honest, and is calculated to cast a shadow of suspicion over the integrity of the whole claim, coming as it does fresh from the hands of the party, and that, too, without explanation of any kind. Indeed there are many things connected with this claim, which, under the conclusion at which the commission has arrived, not altogether satisfactory. The time when the grant was made, only a few days before the Americans took possession of the country, the evident and palpable attempt to alter the date so as to make it appear several months anterior to the time when it was issued, and the manifest want of similarity in the signature of Pio Pico to the paper of approval, with the usual mode of signing his name, are circumstances which greatly detract from the and good faith of the claim. The evidence, however, makes out a prima facie case, which, in the absence of any rebutting testimony, entitles the petitioners to a decree of confirmation, and the same will accordingly be entered.

JAMES D. GALBRAITH, JOHN SIME, DAVID T. BAGLEY, and RICHARD H. STANTON,
vs.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the commission the claim of the said petitioners is valid, and it is therefore decreed that the same be confirmed.

The lands of which confirmation *are* hereby made are known by the name of Bolsa de Tomales, and are bounded and described as follows, to wit: on the east by the property of Don Bartolo Bojoques, as far as the Two Stones; on the west by the bay of Bodega and the creek (or inlet) of Tomales; on the north by the rancho Juan Vingut, and on the south by a small arm of the said creek or inlet of Tomales, which runs from west to east; containing in all five square leagues; reference for further description to be had

to the original grant, and the translation of the same filed as evidence in this case.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Com'rs.

Filed in office April 11th, 1856.

GEO. FISHER, *Sec'y.*

And it appearing to the satisfaction of the board that the land hereby adjudicated is situated in the northern district of California, it is hereby ordered that two transcripts of the proceedings, and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the secretary, one of which transcripts shall be filed with the clerk of the United States district court for the northern district of California, and the other be transmitted to the Att'y General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS
To ascertain and settle the private land claims in the State of Cal'a.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing sixty-eight pages, numbered from 1 to 68, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office in case No. 205 on the docket of the said board, wherein James D. Galbraith is the claimant against the United States for the place known by the name of Bolsa de Tomales.

In testimony whereof, I hereunto set my hand and affix my private seal, (not having a seal of office,) at San Francisco, California, this thirtieth day of October, A. D. 1854, and of the independence of the United States of America the seventy-ninth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Notice of Appeal.

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 10th February, 1855.

JAMES D. GALBRAITH
vs.
THE UNITED STATES. } 205.

You will please take notice that in the above case, decided by the commissioners to ascertain and settle private land claims in the State of California, in favor of the claimant, and a transcript of the

proceedings in which was received in this office on the 12th day of November, 1854, the appeal in the district court of the United States for the northern judicial district of California will be prosecuted by the United States.

C. CUSHING,
Attorney General.

Endorsed: Filed March 20, 1855.
JOHN A. MONROE, *Clerk.*

Notice for taking Testimony.

In the U. S. District Court, &c.

THE UNITED STATES
vs.
GALBRAITH et al.
No. 205.—Notice.

Messrs. SAUNDERS, HEPBURN, and BAGLEY:

GENTS: Please take notice that the deposition of James Howe, a witness on the part of the United States, will be taken in the above entitled cause before U. S. commissioner, at his office in the building of *of* the U. S. courts in this city, at one o'clock p. m., on Saturday, the 29th instant, when and where you may attend if you think proper.

This September 28, 1855.

Resp'ly, &c.,
A. GLASSELL, *Ass't U. S. Att'y.*

Endorsed: Service of copy of within notice admitted 28th Sept., 1855.

SAUNDERS & HEPBURN.

Deposition of James Howes.

United States District Court, northern district of California.

SAN FRANCISCO, *Sept. 29th*, 1855.

On this day before me, Geo. Pen Johnston, a commissioner of the United States for the districts of California, duly authorized to administer oaths, &c. &c., came James Howes, a witness produced on behalf of the United States in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 205 on the docket of the said board of commissioners, and was duly sworn and testified as follows.

UNITED STATES OF AMERICA
vs.
J. D. GALBRAITH and others.

Present, A. Glassell on behalf of the U. S.; and A. P. Hepburn on behalf of appellee.

Questions by A. Glassell, Esq.

What is your name?

James Howes.

What is your age?

I am forty-eight years of age.

Where is your place of residence?

I live in that portion of country now known as Marin county, State of California.

How long have you resided there?

I have lived there eleven years.

Are you acquainted with the old residents of that part of the country prior to its occupancy by the Americans?

Yes, sir.

Do you know a person by the name of Juan Padillia?

I do.

Does he reside now in that county?

He does not.

Did you know Padillia prior to the occupancy of the *county* by the Americans?

I knew him for a long time before.

Did he reside in that part of the State now known as the county of Marin?

He did.

Do you know where he resided?

I do.

Are you acquainted with the tract of *county* in this State known as "Balsar de Tamalis?"

I am.

Were you ever in this tract of land?

Yes, sir.

Were you there before the Americans occupied this country?

I was there frequently before and since that time.

Do you know where two natural objects called the "Two Rocks" are situated?

Yes, sir; I think they are in Marin county.

Do you know where the "Two Rocks" are situated?

Yes.

Do you know where the said Padillia lived prior to the occupancy of this country by the Americans?

I do.

How far did Padillia live from the said Two Rocks?

He lived between two and four miles from them.

In what direction did he live from the said Two Rocks?

He lived about northeast from them.

Did he ever live upon the said tract of land known as the "Balsar de Tamalis?"

He never did.

Did he ever occupy or cultivate the "Balsar de Tamalis," or any part of it?

He never did.

Are you aware that Padillia ever claimed or pretended to own the "Balsar de Tamalis," prior to the occupancy of the country by the Americans?

I know he did not.

Within what distance of the seacoast is the tract of land known as the "Balsar de Tamalis?"

It is bounded on the west by the bay of Tamalis, bay of Bodega, and the ocean.

How far are the "Two Rocks" from the seacoast?

About twelve or fifteen miles.

Did you, before the occupancy of the country by the Americans, see any evidence of cultivation, occupancy, or habitation, on the "Balsar de Tamalis?"

I did not.

Had you or had you not an opportunity of knowing whether there was an inhabitancy, occupancy, or cultivation of this land prior to the occupancy of the country by the Americans?

I had.

Do you know a person by the name of Hosea Francisco Westgate?

I do.

Does he now reside in the county of Marin?

He does.

How long have you known him?

About twenty-odd years.

Have you, or have you not, had opportunities of knowing his character?

I have had plenty. I have worked with and lived with him.

What is his general reputation; is it good or bad?

It is not very good.

What is his reputation for veracity?

He has a knack of telling a lie.

From your own knowledge of his character, would you believe him on oath?

I would not.

Do you or do you not believe he would be generally believed on his oath in the country where he is known?

I do not.

Cross-examination by H. P. Hepburn, Esq.

When you say you would not believe Hosea Francisco Westgate on oath, is it because of your personal knowledge of him, or from his general reputation?

From both.

What sort of personal knowledge is it that induces you to say you would not believe him on oath?

Because he has told me a great many falsities.

Do you live within the limits of that tract of country known as the "Balsar de Tamalis?"

I do.

How long have you lived there?

Eleven years.

How much land have you got there in possession?

I claim one hundred and sixty acres.

How do you know that Padillia did not live on the "Balsar de Tamalis?"

I know where he did live, and it was not within the boundaries of the Balsar de Tamalis.

How do you know that he did not cultivate the "Balsar de Tamalis?"

I know very well, because I have never seen any cultivation of it.

What are the boundaries of the "Balsar de Tamalis?"

The first boundary is the "Estero Americano;" the second boundary is the ocean; the next boundary is "Raphael Garcia;" the last boundary, the uppermost part, is bounded by Mr. Blake's.

What is the extent of land contained within those boundaries?

Ten or twelve leagues.

How often have you been over those ten or twelve leagues?

Ten or twelve times.

When were you over it?

Fourteen months ago, and twenty-eight years ago.

How many settlements are there on it now?

God Almighty knows.

How do you undertake to say that there was no cultivation on the ten or twelve leagues?

Because I know. I have been over the place; there was one settlement. Victor Castro put some cattle on it.

Direct Examination resumed.

Was this "Balsar de Tamalis" a tract of country or a rancho?

It was a tract of country, not a rancho.

What Castro was it occupied that portion of the country?

Victor Castro.

What part of this "Balsar de Tamalis" did Victor Castro occupy?

His residence was three miles from the point of the "Estero de Tamalis."

The attorney for appellee makes an objection to all leading questions contained in the foregoing deposition, and a reservation of all legal objections.

his
JAMES ⋈ HOWES.
mark.

Subscribed and sworn to before me this 29th day of September, A. D. 1855.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed October 6th, 1855.

By CHEEVERS, *Deputy.*

Deposition of Pedro Borjorques.

United States District Court, northern district of California.

SAN FRANCISCO, *November 10th*, 1855.

On this day before me, Geo. Pen Johnston, a commissioner of the United States for the districts of California, duly authorized to administer oaths, &c., &c., came Pedro Borjorques, a witness produced in behalf of the United States in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 205 on the docket of the said board of commissioners, and was duly sworn and testified as follows, his evidence being interpreted by Candilo Gutierrez, a sworn interpreter.

Present, A. Glassell, acting U. S. att'y, on behalf of the United States, and A. P. Hepburn on behalf of appellees.

Questions by Att'y on behalf of the U. S.

What is your name?

My name is Pedro Borjorques.

What is your age?

About thirty-seven years.

Where do you reside?

In San Rafael, Marin county, California.

How long have you resided there?

From fifteen to sixteen years.

Do you know a tract of country situated between the bay of Tomales, the Estero Americano, and the Two Rocks, or "Los dos Piedras," commonly called the Tomales?

I do.

Were you acquainted with Juan Padillia?

I was, and am.

Did he ever occupy any portion of the tract of land known as the Tomales, or do you know of any occupation or improvement thereof previous to *to* the arrival of the Americans in this country?

I do not know of any improvements before that time. There were only Indians living on it, near the sea. They were not employed by any one—they were living there on their own account.

Are you the owner of a tract of land adjoining the said Tomales?

Yes, or rather my father is the owner; we have no lands separate.

Were you the owner of that land as early as 1845 or 1846?

I was.

Were you ever notified to attend at any time the giving of judicial possession to any portion of this Tomales country to any person whatever?

I never was.

Did Juan Padillia claim any land in that part of country now known as Sonoma county?

He did.

Did he have a home on that claim?

He did.

Did that place of Padillia's, in Sonoma county, have a name?

I know he had a ranch in that country called "Roblar de la Miseria."

Was that rancho within the boundaries heretofore mentioned?

It was not.

Questions by H. P. Hepburn, Esq., on behalf of Appellees.

Where did you live before the Americans came to the country?

I lived on the rancho Laguna de San Antonio.

Do you live in the same place now?

I do.

Who owns that rancho now?

My father does.

How far is that rancho from the "Balsar de Tomales?"

It is about two miles from the "Balsar de Tomales."

his
PEDRO ⋈ BORJORQUES.
mark.

Sworn to and subscribed before me this 10th day of November, A. D. 1855.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed Nov. 26, 1855.

By CHEVERS, *Deputy.*

[*Here follows map—original, page* 82.]

Deposition of John Keys.

United States District Court, northern district of California.

SAN FRANCISCO, *November 10th*, 1855.

On this day before me, Geo. Pen Johnston, a commissioner of the United States for the districts of California, duly authorized to administer oaths, &c., &c., came John Keys, a witness produced on behalf of the United States in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 205 on the docket of the

N.º ~~290~~ 153. — pag — ~~=~~ - 46.

said board of commissioners, and was duly sworn and testified as follows:

Present, A. Glassell, acting U. S. att'y in behalf of the United States, and H. P. Hepburn on behalf of appellees.

Questions by U. S. Att'y, on behalf of the United States.

What is your name?

John Keys.

What is your age?

I am about thirty-two years of age.

Where do you reside?

In Marin county, California.

Are you acquainted with the tract of country known as "the Tomales?"

I am.

Do you know the land known as the "Bolsar de Tomales?"

I do.

What are the boundaries of the "Bolsar de Tomales?"

It is bounded on the north by "Estero Americano;" on the west by the bay of Bodega or Pacific ocean; on the south by a creek, the name of which is unknown to me; the eastern boundary I cannot define. I call the creek which bounds the tract on the south the "Estero de Tamalis."

(The witness here offers a map for the purpose of elucidating his testimony, which the attorney for the appellee objects to having attached to witness's deposition.)

What are the boundaries of the tract of country known as "the Tomales?"

The boundaries are very indefinite. The bay of Tomales is some 18 or 20 miles long, and the land on each side of the bay is usually called Tomales as far north as the "Estero Americano."

When did you first become acquainted with the country of "the Tomales?"

In July or August, 1850.

What do you know of improvements, if any, on the "Bolsar de Tomales" at that time?

There were no improvements on the "Bolsar de Tomales" of any kind at that time.

Were there any signs of occupation, cultivation, or habitation on the "Bolsar de Tomales" at that time?

None whatever.

Were there any houses near to it at that time?

None which might be called near; there were six or seven settlements around the "Tamales" country, but the nearest was four or five miles north of the northern boundary of the Tamales country.

When was the first settlement made in the "Tamales" country?

The first one I knew anything about was made in the fall of 1850, or the spring of 1851.

Who was it made by?

It was made by Alexander Noble and myself; there were traces of Indian rancherias around the bay of Tamales previous to that time, but I do not regard them as settlements. They were such as exist all along the coast of California, to the north as far as I have ever been. Was this settlement made by yourself and Noble upon the "Bolsar de Tamales?"

No, it was not.

Questions by H. P. Hepburn, Esq., Attorney for Appellees.

Where do you now live?

In the place I have heretofore mentioned, as being settled by myself and Noble.

Is that place within the boundaries of the survey made by Richardson of the "Bolsar de Tamales," now on file in the surveyor general's office?

A portion of that land is within the boundaries of the survey.

Do you claim that land as a settler, or as a tenant?

I claim it as a settler.

JOHN KEYS.

Sworn to and subscribed before me, this 10th day of November, A. D. 1855.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed Nov. 26, 1855.

By CHEVERS, *Deputy.*

Deposition of F. G. Blume.

United States District Court, northern district of California.

SAN FRANCISCO, *November 30th*, 1855.

On this day before me, Geo. Pen Johnston, a commissioner of the United States for the districts of California, duly authorized to administer oaths, &c., &c., came F. G. Blume, a witness produced on behalf of the United States, in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California in case No. 205 on the docket of the said board of commissioners, and was duly sworn, and testified as follows.

UNITED STATES OF AMERICA
vs.
J. D. GALBRAITH and others.

Present, U. S. attorney on behalf of the U. S.; H. P. Hepburn on behalf of appellee.

Questions by U. S. Attorney.

What is your name?
My name is F. G. Blume.
What is your age?
I am forty years of age.
Where do you reside?
In Sonoma county, Analley township, California.
What is your occupation?
I am a farmer.
How long have you resided where you now reside?
Since the fall of the year, September or October, 1846.
Where did you reside before you resided where you now are?
In the present town of Sonoma.
Do you know a tract of land or country called the Balsar de Tamales?
I do.
Do you know any part of the boundaries of that tract?
I know the northern, western, and southern boundaries of that tract.
What is the northern boundary?
The Estero Americano.
What is the southern boundary of that tract?
The Estero de Tomales.
What is the western boundary?
The Pacific ocean.
Do you know a tract of country called the Tomales?
I do.
Do you know the boundaries of the Tamales tract?
Yes, sir.
What is the northern boundary?
The Estero de Tamales.
What is the southern boundary?
The bay of Tamales.
What is the western boundary?
The Pacific ocean.
What is the eastern boundary?
I do not know.
Is the Balsar de Tamales the same tract of land as the "Tamales," or are they different?
They are different.
What is the name of the place on which you live?
"Cañada de Pogolimi."
How is your place situated with reference to the "Balsar de Tamales" as described by you?
My place is bounded by it, on the south.

The first one I knew anything about was made in the fall of 1850, or the spring of 1851.

Who was it made by?

It was made by Alexander Noble and myself; there were traces of Indian rancherias around the bay of Tamales previous to that time, but I do not regard them as settlements. They were such as exist all along the coast of California, to the north as far as I have ever been. Was this settlement made by yourself and Noble upon the "Bolsar de Tamales?"

No, it was not.

Questions by H. P. Hepburn, Esq., Attorney for Appellees.

Where do you now live?

In the place I have heretofore mentioned, as being settled by myself and Noble.

Is that place within the boundaries of the survey made by Richardson of the "Bolsar de Tamales," now on file in the surveyor general's office?

A portion of that land is within the boundaries of the survey.

Do you claim that land as a settler, or as a tenant?

I claim it as a settler.

JOHN KEYS.

Sworn to and subscribed before me, this 10th day of November, A. D. 1855.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed Nov. 26, 1855.

By CHEVERS, *Deputy.*

Deposition of F. G. Blume.

United States District Court, northern district of California.

SAN FRANCISCO, *November 30th*, 1855.

On this day before me, Geo. Pen Johnston, a commissioner of the United States for the districts of California, duly authorized to administer oaths, &c., &c., came F. G. Blume, a witness produced on behalf of the United States, in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California in case No. 205 on the docket of the said board of commissioners, and was duly sworn, and testified as follows.

UNITED STATES OF AMERICA
vs.
J. D. GALBRAITH and others.

Present, U. S. attorney on behalf of the U. S.; H. P. Hepburn on behalf of appellee.

Questions by U. S. Attorney.

What is your name?
My name is F. G. Blume.
What is your age?
I am forty years of age.
Where do you reside?
In Sonoma county, Analley township, California.
What is your occupation?
I am a farmer.
How long have you resided where you now reside?
Since the fall of the year, September or October, 1846.
Where did you reside before you resided where you now are?
In the present town of Sonoma.
Do you know a tract of land or country called the Balsar de Tamales?
I do.
Do you know any part of the boundaries of that tract?
I know the northern, western, and southern boundaries of that tract.
What is the northern boundary?
The Estero Americano.
What is the southern boundary of that tract?
The Estero de Tomales.
What is the western boundary?
The Pacific ocean.
Do you know a tract of country called the Tomales?
I do.
Do you know the boundaries of the Tamales tract?
Yes, sir.
What is the northern boundary?
The Estero de Tamales.
What is the southern boundary?
The bay of Tamales.
What is the western boundary?
The Pacific ocean.
What is the eastern boundary?
I do not know.
Is the Balsar de Tamales the same tract of land as the "Tamales," or are they different?
They are different.
What is the name of the place on which you live?
"Cañada de Pogolimi."
How is your place situated with reference to the "Balsar de Tamales" as described by you?
My place is bounded by it, on the south.

Do you know a man by the name of John Keys, who lives in that country?

I do.

Do you know where Mr. Keys resides now?

I do.

How far on the road to Bodega from Mr. Keys' (leading from Mr. Keys' to Bodega) is the creek which you call the "Estero de Tamales," which you say is the southern boundary of the Balsar de Tomales, from the house of Mr. Keys?

Between two and three miles.

Where did you reside before the American flag was raised at the time they took possession of the country?

In the town of Sonoma.

Do you know of any occupation, cultivation, or improvements on the "Balsar de Tamales" before the Americans took possession of the country?

I do not.

Do you know Juan Padilla?

I do.

When and where did you know him first?

In the fall of 1846 or the spring of 1847, in the town of Sonoma.

Do you know whether Juan Padilla ever claimed the Balsar de Tamales?

I do not.

Where did Juan Padilla live?

I believe he lived in Lower California. I only saw him in the town of Sonoma, while he was there transiently.

Did Padilla ever occupy or cultivate the Balsar de Tamales?

He never did.

Were you ever notified to attend the giving of judicial possession of the "Balsar de Tamales" to any person whatsoever?

I never was.

Are you aware of judicial possession having been given to any one at any time of the "Balsar de Tamales?"

I am not.

Did Padilla ever own a ranch in Sonoma county?

He did; it was called the "Roblar de la Miseria."

When did Padilla first own that ranch?

I do not know.

Do you know of any causes existing to prevent the cultivation or occupancy of the "Balsar de Tamales" prior to the time when the Americans took possession of the country?

I do not.

Have you any interest whatever in the event of this suit?

None whatever.

Cross-examination by H. P. Hepburn, Esq., on behalf of Appellees.

Do you know the boundaries of the property claimed by the claimants in this suit?

I do not.

Do you own any land in the neighborhood of the "Balsar de Tamales," or of the "Tamales," or within the boundaries of either of those tracts of land as described by you?

I hold a presumption claim within three miles of the northern boundary of the "Balsar de Tamales," and it is not in the Tamales tract, nor do I own land within the limits of either of these tracts; my wife owns a ranch called the "Cañada de Pogolimi," and it is not, according to my knowledge, *is not* within the boundaries of the "Balsar de Tamales."

How long did you live in the town of Sonoma?

I lived there ten or eleven months before I moved out to the ranch where I now live.

F. G. BLUME.

Sworn to and subscribed before me this 30th day of November, 1855.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed December 1, 1855.

By CHEVERS, *Deputy.*

Deposition of Wm. B. McDonald.

United States District Court, northern district of California.

SAN FRANCISCO, *February 26th, A. D.* 1856.

On this day before Geo. Pen Johnston, a commissioner of the United States for the districts of California, duly authorized to administer oaths, &c., &c., came William B. McDonald, a witness produced on behalf of the United States in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 205 on the docket of the said board of commissioners, and was duly sworn, and testified as follows.

THE UNITED STATES
vs.
J. D. GALBRAITH.

Case No. 121 district court, and case No. 205 land commission.

Present, the U. S. dist. att'y on behalf of the United States, and Saunders and Hepburn on behalf of claimants and appellees.

Questions by U. S. District Attorney.

What is your name, age, and place of residence?

My name is Wm. B. McDonald; my age is fifty-nine years: and

stopped at is called the Burnt Ranch; it was known at that time as Padilla's ranch, and before that time; it is called the Burnt Ranch from the fact that the house had burned down; I am positive that the house I stopped at was east of the Two Rocks; there was a spring near the house; I saw persons near the house—a step-son of Padilla's, and an Indian boy.

Cross-examination by the Claimant's Counsel.

I derived the most of my knowledge of this place from Squire McIntosh—the place that I spoke of yesterday; I never knew that this place was granted; always understood that it was government land after the American flag was hoisted; I have lived in various parts of the country; I have lived about six months at my present residence, on Russian river.

his
WM. B. ⋈ McDONALD.
mark.

Sworn to and subscribed before me, this 27th day of February, A. D. 1856.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed Feb'y 27, 1856.

By CHEVERS, *Deputy.*

[*Here follows map—original, paged* 99.]

Deposition of Henry L. Ford.

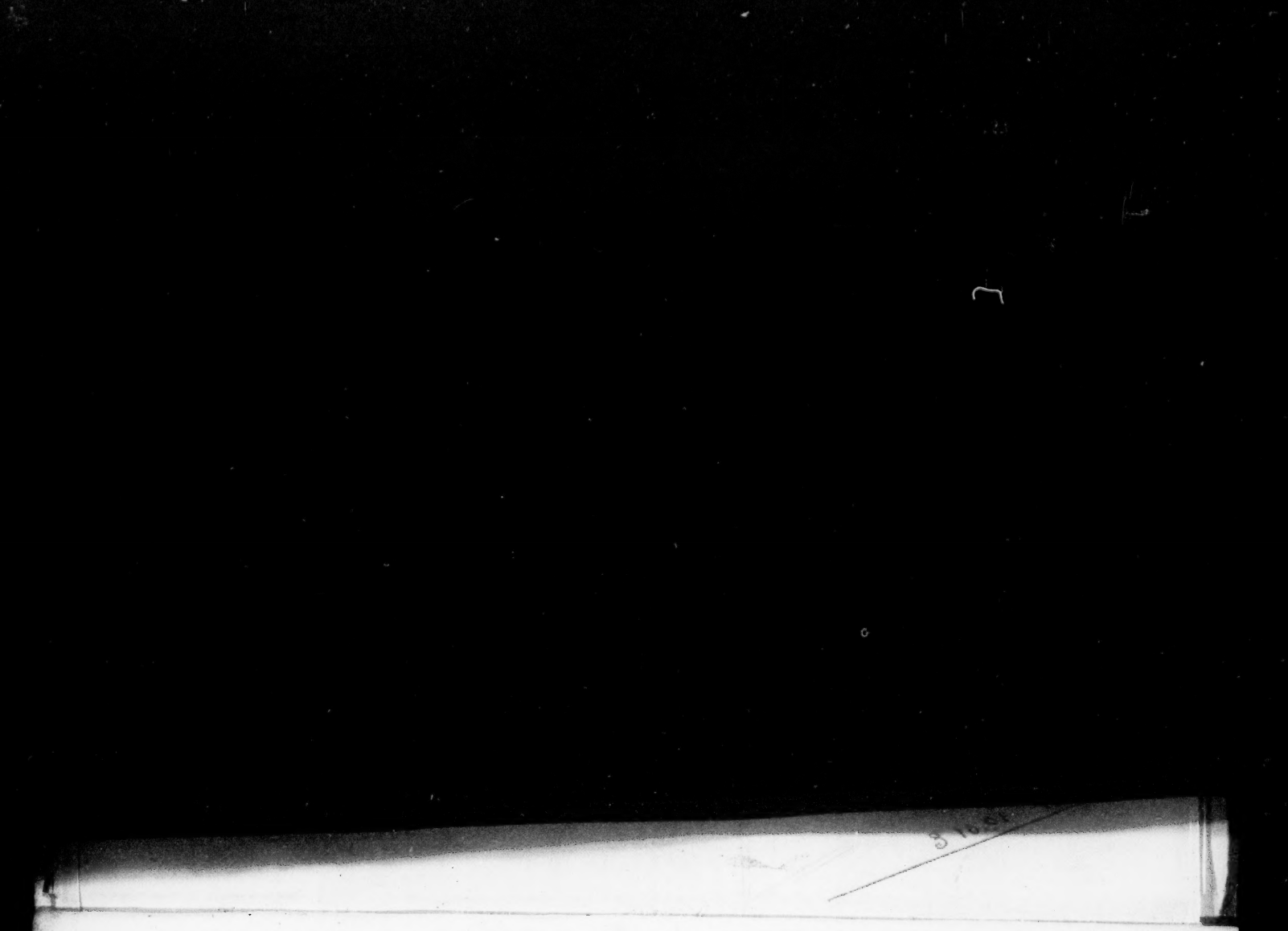
United States District Court, northern district of California.

SAN FRANCISCO, *January 29th*, 1856.

THE UNITED STATES OF AMERICA vs. J. D. GALBRAITH et als. } Case No. 121 D. C.—On appeal from land commiss'rs.

On this day before Geo. Pen Johnston, a commissioner of the United States for the district of California, duly authorized to administer oaths, &c., &c., came Henry L. Ford, a witness produced in behalf of the claimant in case No. 121, being an appeal from the board of commissioners to ascertain and settle private land claims in the State of California, in case No. 205 on the docket of the said board of commissioners, and was duly sworn and testified as follows.

Present, the U. S. dist. attorney on behalf of the United States, appellants; and Sanders and Hepburn on behalf of J. D. Galbraith, appellees.



Questions by Sanders & Hepburn, Atty's for Appellees and Claimants.

What is your name, age, and place of residence?

My name is Henry L. Ford; I am thirty-three years of age, and reside in Colusi county, State of California. I have resided in the State of California since the year 1842.

Do you know the rancho now called the "Bolsa de Tomales?"

I know a ranch on the bay of Tomales, owned by Juan Padilla, which I have learned is called the "Bolsar de Tamales."

When did you first know anything about that ranch?

I was first on the ranch in the month of June, near about the 21st of June, 1846.

What did you go on it for at that time?

I was in command of a company of volunteers, who were in pursuit of Juan Padilla, and it was during that expedition that I was on the ranch.

At that time what was the name by which that ranch was known in the neighborhood, and among people generally who knew anything about it?

The only name by which I knew it at time was Padilla's ranch.

Was there a house on it at that time?

There was a small house on it used by the herdsmen of Padilla, and a cook-house.

How did you know that the house was used by the herdsmen of Padilla?

The herdsmen who were occupying the house informed that they were the herdsmen of Padilla.

What other reason had you for knowing that it was Padilla's ranch?

I saw some horses and cattle with Padilla's brand on them; at that time I knew his brand; the horses were used by an Indian herdsman, who informed me that he was in the employment of Padilla.

What had been your own occupation before the time when you say you were first on Padilla's ranch?

In 1845 I was buying and selling mules and other stock, and was acquainted with most of the brands on cattle and stock in that section of country.

Have you visited the ranch since that time; and when, if so?

I have visited it since then, and was there last Sunday.

(The claimant here offers a map in evidence, to be attached to this deposition, marked with the initials H. L. F., for the purpose of rendering the testimony of the witness more intelligible on the points referred to in the interrogatories of claimant's att'y).

Objected to by U. S. dist. att'y, on the ground that the map has not been proven to be a correct description of the ranch.

Look at the map marked H. L. F., and state whether you know

any of the points shown on the map; if so, state whether they are properly located with reference to each other?

I know the points on the map specified as "Los dos Piedras," and as "Arroyo San Antonio," and the point marked by me as the "Spring," and I think their direction from each other, as shown on the map, is correctly defined.

What is the position of the house marked Padilla's house and the "Spring," relative to the "Los dos Piedras?"

The house is situated on the southeast bank of a little rivulet which runs from the "Spring," (that is, it was so situated before it was destroyed,) and in a south of west direction according to the points of the compass, as exhibited by the map; but when I was on the ranch, I thought the location of the house was west or nearly west of the "Las dos Piedras." I had no compass by which to form such opinion, but judged by the sun, &c.

Do you know who designated the house, as in the position assigned it on the map; if so, who was it?

I did it myself.

Did you ever speak to Padillo about purchasing this ranch; and if so, when?

I had some conversation with Padilla about the purchase of this ranch in 1847, but did not make the purchase, and now have no interest in the ranch, and never had.

What was your especial object in going to Padilla's ranch (as you have heretofore testified) in 1846?

I was in pursuit of Padilla, and went to the ranch to get food for my men.

Cross-examination by U. S. Dist. Att'y.

Are you acquainted with the boundaries of the Padilla ranch?

I am not.

Do you know any of the points of the boundaries of the rancho?

I have never seen the title to the rancho, and do not know what boundaries it calls for.

Of what material was the house built which you say you saw on the rancho in 1846, and what kind of a house was it?

The house was built of small poles set up on end and fastened together at the top with thongs of raw hide, and had a thatched roof. I don't recollect any boards about the house; there might have been a door made of boards, but I don't recollect it now.

How often were you at that house?

I was at it but once.

Do you know the name of the herdsmen who occupied it; if so, what was the name?

There were four Indian herdsmen who were then occupying it; there was one of them who seemed to be in charge, who said he was the "mayor domo" of Padilla. I only saw one tame cow at

the house, and the horses which were tied up there with the brand of Padillo on them. There were other cattle and stock in sight, the brands on which I could not see. I suppose there were upwards of a hundred head of cattle, and quite a drove of horses—say from fifty to one hundred, but I did not notice the brand on them. I staid on the rancho between two or three hours; some of the horses and cattle were near by the house,—others as far as two miles off; I do not know how many springs there are on that rancho, but I know there are more than one spring on the lands claimed by Padilla; the house of which I have spoken was the only one on the land claimed by Padillo in 1846, in my knowledge.

Taking the Two Rocks, specified as "Las dos Piedras," as a point, do you know the direction of the house of which you have been speaking from that point; if yea, what was or is it?

When I was last there, I thought the direction was about west from "Las dos Piedras" to where the house formely stood. I had no compass with which to ascertain the exact direction. I think that I heard Padillo's rancho was called "Bolsar de Tamales" from some of the present owners; I think I heard it from Mr. Sireton, who I think then did and still may own some portion of the rancho; I am positive that it was about the 21st of June, 1846, when I was first on the rancho. I went there for food for my men, and obtained dried beef for them, as much as they wanted. I had, I think, twenty-two men with me; the dried beef was hanging on poles outside of the house, in the yard. I never heard that Padilla lived there himself. I think I have heard that Padilla had another ranch in that section of country, but I know nothing about it; may have been in Sonoma county.

HENRY L. FORD.

Sworn to and subscribed before me the 29th day of January, A. D. 1856.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed Aug. 20, 1856.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Petition.

To the hon. Dist. Court of the U. S. in and for the northern dist. of Cal'a.

THE UNITED STATES
vs.
JAS. D. GALBRAITH et als.
} D. C. 121.—L. C. 205.

The petition of the United States, by their attorney, represents that this cause is an application for a review of the decision of the

any of the points shown on the map; if so, state whether they are properly located with reference to each other?

I know the points on the map specified as "Los dos Piedras," and as "Arroyo San Antonio," and the point marked by me as the "Spring," and I think their direction from each other, as shown on the map, is correctly defined.

What is the position of the house marked Padilla's house and the "Spring," relative to the "Los dos Piedras?"

The house is situated on the southeast bank of a little rivulet which runs from the "Spring," (that is, it was so situated before it was destroyed,) and in a south of west direction according to the points of the compass, as exhibited by the map; but when I was on the ranch, I thought the location of the house was west or nearly west of the "Las dos Piedras." I had no compass by which to form such opinion, but judged by the sun, &c.

Do you know who designated the house, as in the position assigned it on the map; if so, who was it?

I did it myself.

Did you ever speak to Padillo about purchasing this ranch; and if so, when?

I had some conversation with Padilla about the purchase of this ranch in 1847, but did not make the purchase, and now have no interest in the ranch, and never had.

What was your especial object in going to Padilla's ranch (as you have heretofore testified) in 1846?

I was in pursuit of Padilla, and went to the ranch to get food for my men.

Cross-examination by U. S. Dist. Att'y.

Are you acquainted with the boundaries of the Padilla ranch?

I am not.

Do you know any of the points of the boundaries of the rancho?

I have never seen the title to the rancho, and do not know what boundaries it calls for.

Of what material was the house built which you say you saw on the rancho in 1846, and what kind of a house was it?

The house was built of small poles set up on end and fastened together at the top with thongs of raw hide, and had a thatched roof. I don't recollect any boards about the house; there might have been a door made of boards, but I don't recollect it now.

How often were you at that house?

I was at it but once.

Do you know the name of the herdsmen who occupied it; if so, what was the name?

There were four Indian herdsmen who were then occupying it; there was one of them who seemed to be in charge, who said he was the "mayor domo" of Padilla. I only saw one tame cow at

the house, and the horses which were tied up there with the brand of Padillo on them. There were other cattle and stock in sight, the brands on which I could not see. I suppose there were upwards of a hundred head of cattle, and quite a drove of horses—say from fifty to one hundred, but I did not notice the brand on them. I staid on the rancho between two or three hours; some of the horses and cattle were near by the house,—others as far as two miles off; I do not know how many springs there are on that rancho, but I know there are more than one spring on the lands claimed by Padilla; the house of which I have spoken was the only one on the land claimed by Padillo in 1846, in my knowledge.

Taking the Two Rocks, specified as "Las dos Piedras," as a point, do you know the direction of the house of which you have been speaking from that point; if yea, what was or is it?

When I was last there, I thought the direction was about west from "Las dos Piedras" to where the house formely stood. I had no compass with which to ascertain the exact direction. I think that I heard Padillo's rancho was called "Bolsar de Tamales" from some of the present owners; I think I heard it from Mr. Sireton, who I think then did and still may own some portion of the rancho; I am positive that it was about the 21st of June, 1846, when I was first on the rancho. I went there for food for my men, and obtained dried beef for them, as much as they wanted. I had, I think, twenty-two men with me; the dried beef was hanging on poles outside of the house, in the yard. I never heard that Padilla lived there himself. I think I have heard that Padilla had another ranch in that section of country, but I know nothing about it; may have been in Sonoma county.

HENRY L. FORD.

Sworn to and subscribed before me the 29th day of January, A. D. 1856.

GEO. PEN JOHNSTON,
U. S. Commissioner.

Endorsed: Filed Aug. 20, 1856.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Petition.

To the hon. Dist. Court of the U. S. in and for the northern dist. of Cal'a.

THE UNITED STATES
vs.
JAS. D. GALBRAITH et als. } D. C. 121.—L. C. 205.

The petition of the United States, by their attorney, represents that this cause is an application for a review of the decision of the

U. S. land comm'rs, whereby the title of the appellees was confirmed, as will appear by reference to the record in the case; that a transcript of said record was filed in this court on the 2d day of Nov., 1854; that a notice of appeal was filed on the 20th day of March, 1855; that the land claimed lies in the said district, and that the said title is invalid.

Wherefore appellants pray that said decision be reversed, and that said title be decreed invalid by this court.

San Francisco, Feb'y 13, 1857.

BLANDING, *U. S. A.*

Endorsed: Filed February 15, 1857.

JNO. A. MONROE, *Clerk.*
By W. H. CHEVERS, *Deputy.*

Answer.

THE UNITED STATES, Appellants,
vs.
JAMES D. GALBRAITH and others, Appellees.

The appellees and claimants in the above cause file this their answer to the petition of the appellants in the above cause, and aver that the claim is valid and should be confirmed, for which they pray the court to enter a decree.

SAUNDERS & HEPBURN,
Att'ys for Appellees and Claimants.

Deposition of Patrick McChristian.

United States District Court, northern district of California.

THE UNITED STATES
vs.
J. D. GALBRAITH et als.

SAN FRANCISCO, *June* 30, 1857.

On this day, before J. Edgar Grymes, a special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came Patrick McChristian, a witness produced on behalf of the United States in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 205 on the docket of the said board of commissioners, and was duly sworn, and testified as follows.

Present, U. S dist. att'y and Henry Wilkens, esq., for claimants.

Questions by U. S. Dist. Att'y.

What is your name, age, and place of residence?

My name is Patrick McChristian; 29 years old; and I reside in Green Valley, Bodega; I have resided in Sonoma ever since the

latter end of 1846; I knew a man by name of Padilla in 1846, and I have known him from that time on until he left the country; he resided, when I first knew him, on the coast road from Petaluma to Bodega, between 5 and 6 miles from the town of Petaluma; it was said he had a ranch there; he planted grain there and had cattle on it; I do not recollect the name of it, but I think I would know it if I heard it; I think it was called the "Roblar de la Miseria," commonly about the country; (this was in answer by the U. S. dist. att'y to question whether "Roblar de la Mesieria" was the name;) I do not know, by the name, the rancho of "Bolsas de Tomales;" I know the land lying between the Estero Americano, bay of Tomales, and the Two Rocks; I did not know it by that name, except recently, (Bolsas de Tomales:) I have been upon that tract of land several times; I believe the first time I was on it was either at the end of 1846, or beginning of 1847; I have been on it several times since; if there were any improvements on this land prior to 1850, I never saw them, nor was there any cultivation that I ever saw prior to that time; before that time I was pretty often in this tract of land taking up cattle for McIntosh, and if there had been any improvements I think I should have seen them; I never heard of grant being given by the Mexican gov't until lately.

PATRICK McCHRISTIAN.

Sworn to and subscribed before me, June 30th, 1857.

J. EDGAR GRYMES,
Special Commiss'r.

Deposition of Jas. Black.

United States District Court, northern district of California.

THE UNITED STATES
vs.
J. D. GALBRAITH et als.

SAN FRANCISCO, *June* 30, 1857.

On this day before J. Edgar Grymes, a special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came James Black, a witness produced on behalf of the United States, in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 208 on the docket of the said board of commissioners, and was duly sworn, and testified as follows.

Present, U. S. dist. att'y and Mr. H. Wilkins for claimants.

Questions by U. S. Dist. Att'y.

What is your name, age, and place of residence?

My names is Jas. Black; 47 years old; and I reside in Marin

county, Calif'a; I have resided in Marin county 22 years; I know the place called "Bolsas de Tomales;" I do not know the boundaries of it; the common report was that it extended from "Estero Americano" to "Estero Tomales;" I did not hear that it was occupied; I recollect that Padilla put his cattle down there in 1844 or 1845; the rancho which I lived at joined the "Estero Americano," on the north side of the "Estero;" it was about 12 miles from the Bolsas de Tomales; I never was called upon to attend the giving juridical possession of a part of the "Bolsas de Tomales," because I did not own the Bodega rancho at that time; I was in partnership with McIntosh, who then owned the land; I was acquainted with Juan M. Padilla; my acquaintance with him commenced in 1841, and on from that time; he resided in Sonoma, where he kept a store; I knew him to have resided 3 or 4 miles from the town now called "Petaluma;" he owned a rancho 3 or 4 miles from "Petaluma;" this is the one I speak of as *he* having resided on; I never heard of Juan Padillo claiming the rancho "Bolsas de Tomales," prior to the occupation of the country by the Americans; I knew of no improvements of said rancho prior to the occupation of the country by the Americans; there was no difficulty of occupying the rancho on account of Indians that I know of; the neighboring ranchos were occupied; the reason that Padilla put cattle on said rancho was, that the place he was living on was burnt; I speak of the grass; the name by which the rancho was known was "Roblar de la Miseria;" this is the ranch that Padilla lived on; to the best of my recollection, I believe it was in 1850 that the said rancho was first occupied by Mr. Keyes and Mr. Noble.

JAMES BLACK.

Sworn to and subscribed before me, June 30, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Deposition of George D. Wood.

United States District Court, northern district of California.

THE UNITED STATES
vs.
J. D. GALBRAITH et als.

SAN FRANCISCO, *June* 30, 1857.

On this day before J. Edgar Grymes, as special commissioner and referee of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came George D. Wood, a witness produced on behalf of the United States, in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of Cali-

fornia, in case No. 205 on the docket of the said board of commissioners, and was duly sworn, and testified as follows:

Present, U. S. dist. att'y, and Henry Wilkins, esqs., for claimants.

In answer to question by U. S. dist. att'y the witness says:

My name is George D. Wood; 33 years old; and I reside at Tomales bay since the fall of 1850. I have been, since the fall of 1844, resident of that part of California now known as Marin and Sonoma county. I was acquainted with most of the old residents of that part of the country. I knew Juan M. Padilla; he resided about half way from McIntosh's ranch to the Petaluma house. The Petaluma house was owned by Vallejo. Padilla's rancho was about 4 to 4½ miles from where Petaluma town now stands. He had a ranch there; I do not know whether he owned it or not. He had a cultivation there. I never knew any other name for it than "Padilla's rancho;" I do not know whether that rancho was called "Roblar de la Miseria." I knew the tract of land called "Bolsas de Tomales;" it is situated between the Estero de los Americanos and Tomales bay. Among the settlers, the land lying south of the "Estero Americano" was called "Bolsas de Tomales." I first knew the tract in the fall of 1844, but not by that name; I did not see any settlement there when I passed through it. I merely passed through it in the fall of 1844. I used to take care of the cattle of Mr. Black, which ranged upon that tract of land subsequent to 1844. I was often upon a portion of the same land attending to the cattle of Mr. Black, which strayed over in that direction. During my visits on these occasions I did not notice any cultivation, or occupation, except a rancheria occupied by the Indians; I do not know of any other except that. Had there been any cultivation in the open country, I should have known it. There might have been some cultivation in the small valleys without my knowing it. There were some Spaniards living near a spring on the south side of the Two Rocks, on the south side of the valley; I saw no cultivation there; it was about 1¼ mile from the Two Rocks. The only ones I saw there that I knew were the Bojorques; I do not know whether they lived there or not; they had no house; they had a frame of poles and brushes. I do not know whether they claimed the land. I saw them there 2 or 3 months. I saw Juan Bojorques there. The first person that cultivated the land was myself and Mr. Keys in the fall of 1850—the same place where I live now.

G. T. WOOD.

Sworn to and subscribed before me June 30th, 1857.

J. EDGAR GRYMES,
Special Commissioner.

Endorsed: Filed June 30, 1857.

JOHN A. MONROE, *Clerk.*
W. H. CHEVERS, *Deputy.*

Deposition of R. C. Hopkins.

United States District Court, northern district of California.

SAN FRANCISCO, *Oct.* 21*st*, 1857.

On this day before the district court of the United States for the northern district of California, duly authorized to administer oaths, &c., &c., came R. C. Hopkins, a witness produced on behalf of the United States in case No. 121, being an appeal from the board of commissioners to ascertain and settle the private land claims in the State of California, in case No. 205 on the docket of the said board of commissioners, and was duly sworn, and testified as follows.

Present, Ogden Hoffman, judge of the said court, and the district attorney and the counsel for appellees.

Dist. att'y—

"I am clerk in the U. S. surveyor's office; the original grant in this case is on file in that office, having been transmitted there from the board of land commissioners. (Original grant produced.) Counsel for claimants admit an obvious alteration in the date from June to February; a paper purporting to be the certificate of approval of the assembly is also on file from the records of the board; there is also on file a record of proceedings of the departmental assembly, showing a session on June 10th, and the succeeding on the 15th June; this record is not in the form of a book, but on loose sheets; there is no record of approval in these papers."

(No cross-examination.)

R. C. HOPKINS.

Endorsed: Filed October 21st, 1857.

JNO. A. MONROE, *Clerk.*
J. EDGAR GRYMES, *Deputy.*

Decree.

In the United States District Court for the northern district of California.

THE UNITED STATES
vs.
JAMES D. GALBRAITH et al.
} No. 121.—Stated term, December 1, 1857.

On appeal from the final decision of the board of commissioners to ascertain and settle private land claims in the State of California.

Decree.

This cause came on to be heard at a stated term of the court, on appeal from the final decision of the board of commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved on the 3d of March, A. D. 1851, upon the transcript of the proceedings and decision of the said board of commissioners, the papers and evidence on which the

said decision was founded, the petition of the appellants and answer of the appellees, and the further evidence taken in this court, by leave of the court; and it appearing to the court that the said transcript has been duly filed according to law, and that the land claimed is within said northern district, and counsel for the respective parties having been heard, it is by the court hereby ordered, adjudged and decreed, that the said decision be, and the same is hereby, in all things affirmed; and it is further ordered, adjudged and decreed, that the claim of the appellees is a good and valid claim, and that the said claim be, and the same is hereby, confirmed. The land, of which confirmation is hereby made, is known and called as the "Bolsa de Tomales," and is five square leagues and no more, to be taken within the following boundaries, to wit: on the east by the property of Don Bartolo Bajorques as far as the Two Stones; on the west by the bay of Bodega and the creek (or inlet) of Tomales; on the north by the rancho of Juan Vioget; and on the south by a small arm of the said creek (or inlet) of Tomales which runs from west to east. For further description of the land hereby confirmed, reference to be had to the original grant, and the translation of the same filed in evidence in this cause.

OGDEN HOFFMAN,
Dist. Judge.

Endorsed: Filed Dec'r 1st, 1857.
JNO. A. MONROE, *Clerk.*
J. EDGAR GRYMES, *Deputy.*

Order Granting Appeal.

At a stated term of the district court of the United States of America for the northern district of California, held at the court-room, in the city of San Francisco, on the day of December, in the year of our Lord one thousand eight hundred and fifty-seven.

Present, the Hon'ble Ogden Hoffman, dist. judge.

THE UNITED STATES
vs.
J. D. GALBRAITH et al. } No. 121.—L. C. 205.

In this case, on application of P. Della Terre, esq're, U. S. attorney, made in open court, it is ordered by the court, that an appeal in behalf of the United States from the final decision of this court, rendered in said cause at the present term, be, and the same is hereby, granted, and that a certified transcript of the pleadings, evidence, depositions, and proceedings in the said cause be sent to the Supreme Court of the United States without delay.

OGDEN HOFFMAN,
U. S. Dist. Judge.

Endorsed: Filed December 5th, 1857.
JNO. A. MONROE, *Clerk.*